

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3319

COLUMBUS DAY, 1959

By the President of the United States
of America
A Proclamation

WHEREAS in the year 1492 Christopher Columbus sailed westward across an uncharted sea and planted his banner on the shores of the New World; and

WHEREAS this intrepid explorer, whose voyage opened the way for the eventual establishment of our Nation and its free institutions, symbolizes the American heritage of discovery and daring achievement; and

WHEREAS the qualities of Columbus—his courage, his vision, and his loyalty to a great cause—are a constant inspiration to us as we seek to reach ever higher levels of accomplishment, both as individuals and as a Nation; and

WHEREAS, in recognition of our indebtedness to Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), authorized and requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Monday, October 12, 1959, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in commemoration of the four hundred and sixty-seventh anniversary of the discovery of America.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of the memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-8688; Filed, Oct. 12, 1959;
1:09 p.m.]

Executive Order 10845

FURTHER SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED, SHALL BE EXEMPT

By virtue of the authority vested in me by section 533 of the Mutual Security Act of 1954, 68 Stat. 860 (22 U.S.C. 1793) it is ordered as follows:

SECTION 1. It is hereby determined that, to the extent indicated in the preamble of section 2 of Executive Order No. 10784 of October 1, 1958, and in section 2(e) of that order as added by this order, the performance of functions authorized by the Mutual Security Act of 1954, as amended, without regard to the provisions of section 3(b) of the act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense" (72 Stat. 972; 50 U.S.C. 1433(b)) will further the purposes of the Mutual Security Act of 1954, as amended.

SEC. 2. Executive Order No. 10784 of October 1, 1958, is hereby amended:

(a) By substituting the following for that portion of section 2 thereof which precedes the lettered items of section 2:

"SEC. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Mutual Security Act of 1954, as amended."

(b) By adding the following paragraph (e) at the end of section 2 thereof:

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Orders	Page
Establishing the Committee for Rural Development Program....	8319
Further specification of laws from which functions authorized by the Mutual Security Act of 1954, as amended, shall be exempt....	8317
Inspection of income, excess-profits, estate, and gift tax returns by the Senate Committee on Agriculture and Forestry....	8318
Proclamation	
Columbus Day, 1959.....	8317

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Proposed rule making:	
Potatoes, Irish, grown in:	
Colorado.....	8332
Red River Valley of North Dakota and Minnesota.....	8332
Rules and regulations:	
Filberts grown in Oregon and Washington; free and restricted percentages for the 1959-60 fiscal year.....	8325
Walnuts grown in California, Oregon, and Washington; percentages for 1959-60 marketing year.....	8324
Agriculture Department	
See also Agricultural Marketing Service; Commodity Credit Corporation.	
Notices:	
Administration of Capper-Volstead Act.....	8335
South Carolina; designation of area for production emergency loans.....	8335
Civil Aeronautics Board	
Notices:	
Atlas Corp. et al.; hearing.....	8335
Civil and Defense Mobilization Office	
Notices:	
Assistant Director for Training, Education, and Public Affairs; delegation of authority.....	8335
Commerce Department	
Notices:	
Fishing, William M.; statement of changes in financial interests.....	8334



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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146-149,
1959 Supplement 1 (\$1.25)

Order from Superintendent of Documents,
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CONTENTS—Continued

Commodity Credit Corporation	Page
Rules and regulations:	
Emergency feed program	8319
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
Liggett & Myers Tobacco Co., Inc.	8325
Phillip Morris, Inc., et al.	8326
Indian Affairs Bureau	
Proposed rule making:	
Bond requirements for permits and leases for mining minerals other than oil and gas	8333
Interior Department	
See Indian Affairs Bureau; Land Management Bureau.	

CONTENTS—Continued

Interstate Commerce Commission	Page
Notices:	
Fourth section applications for relief	8354
Motor carriers:	
Alternate route deviation notices	8338
Applications	8338
Transfer proceedings	8336
Land Management Bureau	
Notices:	
Alaska; proposed withdrawal and reservation of lands	8334
Louisiana; filing of plats of survey and opening of public lands	8334
Rules and regulations:	
Utah; public land order	8331
Post Office Department	
Rules and regulations:	
Directory of international mail; individual country regulations	8330
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
American Forging & Socket Co.	8336
Jacobs, F. L., Co.	8336
Small Business Administration	
Rules and regulations:	
Loan policy; business loans	8325
Veterans Administration	
Rules and regulations:	
Medical; miscellaneous amendments	8326

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

3 CFR	Page
Proclamations:	
3319	8317
Executive orders:	
10784 (amended by EO 10845)	8317
10845	8317
10846	8318
10847	8319
6 CFR	
475	8319
7 CFR	
984	8324
997	8325
Proposed rules:	
938	8332
958	8332
13 CFR	
120	8325
16 CFR	
13 (2 documents)	8325, 8326

CODIFICATION GUIDE—Con.

25 CFR	Page
Proposed rules:	
171	8333
174	8333
175	8333
176	8333
38 CFR	
17	8326
39 CFR	
168	8330
43 CFR	
Public land orders:	
2007	8331

"(e) Section 3(b) of the act entitled 'An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense' (Public Law 85-804, approved August 28, 1958, 72 Stat. 972; 50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 12, 1959.

[F.R. Doc. 59-8687; Filed, Oct. 12, 1959;
1:09 p.m.]

Executive Order 10846

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

By virtue of the authority vested in me by sections 55(a) and 508 of the Internal Revenue Code of 1939 (53 Stat. 29, 111; 54 Stat. 1008; 26 U.S.C. 55(a) and 508), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1950 to 1959, inclusive, shall, during the Eighty-sixth Congress, be open to inspection by the Senate Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, in connection with its investigation of, and study of matters relating to, the operation of the Commodity Credit Corporation and other activities of the Department of Agriculture, pursuant to the resolution of such Committee agreed to May 20, 1959, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

October 12, 1959.

[F.R. Doc. 59-8716; Filed, Oct. 13, 1959; 10:08 a.m.]

Executive Order 10847

ESTABLISHING THE COMMITTEE FOR RURAL DEVELOPMENT PROGRAM

WHEREAS a substantial number of families, both farm and non-farm, living in rural areas have relatively low cash incomes and do not share equitably in the economic and social progress of the Nation, and it is desirable to encourage and assist such families by providing greater opportunity for their participation in the Nation's production of goods and services and in community, civic, and other affairs; and

WHEREAS the Federal Government, in cooperation with the several States and local governments and private agencies and individuals, has undertaken a rural-development program designed to develop the human resources in rural America by a series of concerted actions to identify the needs of low-income rural people and to help them to achieve greater rewards for their contributions to our national progress; and

WHEREAS the rural-development program has achieved steady progress toward its objectives, and the time has now come to consolidate its accomplishments and to provide more formal Federal organization for the program:

NOW, THEREFORE, by virtue of the authority vested in me as President of

the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Committee for Rural Development Program, hereinafter referred to as the Committee, which shall be composed of the following members:

(1) The Under Secretary of Agriculture, who shall be the Chairman of the Committee.

(2) The Under Secretary of the Interior.

(3) The Under Secretary of Commerce.

(4) The Under Secretary of Labor.

(5) The Under Secretary of Health, Education, and Welfare.

(6) The Administrator of the Small Business Administration.

(7) A member of the Council of Economic Advisers designated by the Chairman of the Council.

(b) To assure effective functioning of the Committee and uninterrupted participation of each department and agency represented on the Committee, the head of each such department or agency shall designate an appropriate officer or employee of his department or agency as an alternate member to participate in the affairs of the Committee whenever the member may be absent or otherwise unable to participate.

(c) The Committee may request the head of any other Federal department or agency to designate a representative to participate in the affairs of the Committee as desirable in furthering the work of the rural-development program and related activities.

SEC. 2. The activities of the Committee shall be directed toward providing leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural-development program functions and related

activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

SEC. 3. In conducting its activities, the Committee shall place particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels, and, to that end, shall provide guidance for the conduct of Federal rural-development program functions and related activities in a manner designed to produce maximum State, local, and private participation and initiative in identifying and meeting local needs.

SEC. 4. Each department and agency responsible for functions and activities that can contribute to the objectives of the rural-development program and related activities shall carry those functions and activities forward in such a manner as to make the fullest possible contribution to the objectives of rural development.

SEC. 5. The departments and agencies represented on the Committee shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Committee in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees to the Committee, one of whom may serve as its executive secretary, to perform such functions consistent with the purpose of this order as the Committee may assign to them.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

October 12, 1959.

[F.R. Doc. 59-8717; Filed, Oct. 13, 1959; 10:08 a.m.]

RULES AND REGULATIONS

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 475—EMERGENCY FEED PROGRAM

Subpart—Emergency Feed Program

This bulletin contains regulations pertaining to the Emergency Feed Program of the Department of Agriculture and are reissued as Revision I by the Commodity Credit Corporation.

- Sec.
475.151 General statement.
475.152 Administration.
475.153 Definitions.
475.154 Availability of assistance.

- Sec.
475.155 Operating provisions.
475.156 Eligible dealer.
475.157 Dealer's certificates.
475.158 Presentation of dealer's certificates to CCC.
475.159 Limitation on rights of transferees.
475.160 Suspension of Feed Dealer's Agreements.
475.161 Maintenance of books and records.
475.162 Extension of time.
475.163 Termination.

AUTHORITY: §§ 475.151 to 475.163 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427.

§ 475.151 General statement.

Section 407 of the Agricultural Act of 1949, as amended, provides that the Commodity Credit Corporation, on such terms and conditions as the Secretary of Agriculture may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress in connection with any major disaster determined by the President to

warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended. The basic objective of this program is to give assistance to established farmers, ranchers and stockmen whose funds, including cash, loans and credit available to them from all sources, after making allowances for necessary operating and living expenses, are not sufficient to enable them to purchase the feed needed during the prescribed period without seriously impairing their ability to continue livestock operations. The program shall be in effect in areas determined by the President as areas of major disaster and also designated by the Secretary of Agriculture as areas eligible to receive assistance of the nature provided in this program. Requests for designation of areas by the President under Public Law 875, 81st Congress, and information in support thereof must originate with the Governor of the State. When such a request is approved by the President, the

Secretary of Agriculture is authorized to designate the specific counties or portions of counties within the State in which assistance may be made available. In making the designation of specific counties or portions of counties within the State, the Secretary of Agriculture will take into consideration the information and recommendation submitted by the State U.S.D.A. Disaster Committee, based on information and recommendations supplied by the county U.S.D.A. disaster committees concerned, and may also take into consideration whatever other data and information about conditions in the area which may be available to him from any agency or source (i.e., rainfall data from Weather Bureau).

§ 475.152 Administration.

The program provided for in this subpart will be administered by the Commodity Stabilization Service (hereinafter referred to as CSS) and Commodity Credit Corporation (hereinafter called CCC) under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. State and county committees and CSS commodity offices and representatives and employees of any of such committees or offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 475.153 Definitions.

The following terms shall have the following meanings in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires or where otherwise defined in the Feed Dealer's Agreement—Emergency Feed Program).

(a) "Designated disaster area" means an area designated by the President under Public Law 875, 81st Congress, as an area of major disaster and also by the Secretary of Agriculture as an area in which assistance is to be made available as provided under this program.

(b) "Eligible farmer" means an applicant who meets the requirements of eligibility and whose application for assistance under the Emergency Feed Program has been approved.

(c) "Foundation herd" means the breeding stock of cattle, sheep and goats namely: cows, bulls, and heifers or calves retained for replacement; ewes, rams and ewe lambs for replacement; and nannies, billies, and kids for replacement.

(d) "Animal unit" means 1 cow or 1 bull; 2 heifers; 3 calves; 5 sheep; 5 goats; 7 lambs, or 7 kids.

(e) "Prescribed period" means a period which begins on the date the application for assistance under this program is filed in the county office and which ends on the date set by the county committee in accordance with instructions from the State Committee. Such period shall not begin earlier than the date the program was authorized in the county or end

later than the expiration date of the program in the county, as specified by the Administrator, CSS, Washington, D.C. Such beginning and ending date shall be specified in section I of the purchase order issued to the farmer.

(f) "Designated surplus feed grains" (hereinafter called feed grains) means barley, corn, grain sorghums and oats as such terms are defined in the Official Grain Standards of the United States. The term "corn" includes ear corn. The conversion factor to be used for converting ear corn to shelled corn will be shown on the purchase order when issued.

(g) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of feed grain(s). The feed grain(s) used in the approved mixed feed may be whole, crushed, cracked, ground or otherwise similarly processed, provided all of the ingredients of the whole grain are included. Prior to delivery to farmers, bags containing approved mixed feed must be appropriately labeled substantially as follows, depending on the type of approved mixed feed involved:

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)", or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)".

(h) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats owned by CCC.

(i) "Dealer" means any person engaged in selling feed grains or approved mixed feed.

(j) "Person" means an individual, partnership, corporation, cooperative or other business entity.

(k) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC bin-sites.)

§ 475.154 Availability of assistance.

(a) *Area.* This program shall be in effect only with respect to foundation herds located in designated disaster areas as defined in § 475.153(a).

(b) *Eligibility requirements.* Subject to the terms and conditions hereinafter prescribed in this subpart, any person shall be eligible for assistance as herein provided if: (1) He has an interest in a foundation herd or will share in the proceeds from the sale of such herd or products or offsprings thereof; (2) he received over one half of his annual gross income from farming or ranching or both during the last full calendar year prior to the year in which the county in which his farm is located or the county in which the principal part of his foundation herd is located was included in a designated disaster area; (3) he has conducted his livestock operations continuously for the last full year prior to the date of making application for assistance; (4) the feed available to him is not sufficient to maintain his foundation herd and his other livestock for the prescribed period; (5) the funds, includ-

ing cash, loans and credit available to him from all sources, after making allowances for necessary operating and living expenses, are not sufficient to enable him to purchase the feed needed during the prescribed period without seriously impairing his ability to continue livestock operations; and (6) the assistance for which he is applying is needed to maintain his foundation herd and to continue his livestock operations. The requirements of subparagraph (2) of this paragraph are not applicable to applicants with foundation livestock herds of 30 eligible animal units or less. Dairy-men who normally purchase all of their feed are not eligible for assistance. Dairy-men who normally have pasture and produce their hay or grain may qualify for assistance but the amount of assistance shall not in any event exceed the amount of feed normally grown on their farm and fed to the foundation herd. Any feed grains purchased with assistance provided under this program must be used for only feeding the foundation herd.

§ 475.155 Operating provisions.

(a) *Who may apply.* Any person who fulfills the requirements of § 475.154(b) may file an application for assistance as herein provided. When an application is filed by a partner or a duly authorized representative of a partnership, the application must be filed in the name of the partnership, and each and every partner of the partnership must sign the application. If an application is filed in the name of a corporation which is wholly or substantially (i.e. 75 percent or more) owned by an individual and those related to him by blood or marriage, such applicant shall be treated as a partnership and each member of such family corporation must sign the application for assistance. When an application is filed in the name of a corporation, except a family corporation as described above, the application must be accompanied by a certified copy of a resolution by the Board of Directors of such corporation authorizing the request for assistance under the Emergency Feed Program in behalf of said corporation.

(b) *Where to apply.* Applications for assistance must be made at the office of the county committee of the county which has the farm program records for the farm or ranch, unless the foundation herd involved has been removed permanently from such county. If the foundation herd has been removed permanently from such county, or if the county office has no farm program records for the farm or ranch, the application must be made in the office of the county committee of the county in which the principal part of the herd is located. Applications for assistance shall not be filed in more than one county for the same foundation herd for the same period of time or any portion thereof.

(c) *Filing of applications.* Before an applicant may be considered for assistance, an application, Form DF-1 Rev. "Application and Certification," must be filed in the appropriate county office as provided in paragraph (b) of this section. The date of filing shall be the date the application is received in the

county office. The applicant must furnish all of the information required of him on the application. The applicant shall certify as to the requirements specified in § 475.154(b) and that the feed received under the program will be fed only to his foundation herd.

(d) *Committee action on applications.*

(1) The county committee will review each application received in the county office and, except for those applications submitted by State and county committeemen and those involving 500 or more animal units, will determine whether the applicant is eligible for assistance and the amount of assistance which may be provided. Applications submitted by State and county committeemen and those involving 500 or more animal units will be handled as outlined in subparagraph (7) of this paragraph.

(2) The maximum amount an eligible applicant may be approved to receive under this program shall not exceed the quantity of feed grain obtained by multiplying 4 pounds of feed grain per animal unit per day, or whatever lesser amount is established by the State committee, by the number of animal units in the foundation herd and by the number of days in the prescribed period. The assistance to be made available under this program to an eligible applicant shall be determined by computing the maximum amount of feed grains that such applicant may be approved to receive and deducting from such maximum amount the total amount of feed available to the applicant for feeding his foundation herd during the prescribed period. In determining the total amount of feed available when the applicant is a partnership or a family corporation the amount of feed that each partner of the partnership or member of the family corporation has on hand must be combined and taken into consideration. The assistance to be made available to a dairyman who normally produces his hay or grain shall not exceed the amount of feed normally grown on his farm and fed to the foundation herd. No assistance shall be provided any applicant if the total amount of feed available to him during the prescribed period is determined to be equal to or more than the maximum amount of feed grain such applicant may be approved to receive.

(3) The total amount of feed grains available to the applicant during the prescribed period shall be determined by taking into consideration the feed already on hand, the estimated feed to be produced, the feed which has not yet been delivered under previous emergency feed programs, and the feed the applicant otherwise will acquire. In determining the feed available to the applicant, the county committee shall take into account available hay and forage, including pasture, in terms of grain feed value equivalents.

(4) The county committee shall take reasonable precaution to see that applicants who are able to maintain their foundation herds without the assistance provided under this program are not approved to receive any assistance. If the applicant is a partnership, the resources, including cash, loans and credit, of each

of the partners in the partnership, must be taken into consideration in determining the eligibility of the partnership to receive assistance after making allowances for operating and living expenses. If the applicant is a corporation and the corporation is wholly or substantially (i.e. 75 percent or more) owned by an individual and those related to him by blood or marriage, the county committee shall disregard the corporate entity for the purpose of determining the eligibility of such applicant to receive assistance and treat the applicant as a partnership comprised of the individual and those related to him by blood or marriage. The resources, including cash, loans and credit of the individual and each related stockholder must be taken into consideration in determining the eligibility of the family corporation to receive assistance after making allowances for operating and living expenses. The fact that the purchase of needed feed at prevailing prices may not be profitable to the applicant is not sufficient to qualify him for assistance.

(5) The county committee shall review each application and assistance shall be furnished thereunder only if the applicant meets the eligibility requirements of this program. Each county committee shall exercise judgment in a fair and impartial manner. The county committee shall base its determinations primarily upon the information supplied by the applicant but shall take into consideration other information available to it including knowledge of the committeemen concerning the applicant's normal operations. In any case, where information furnished by the applicant is incomplete or not clear, the county committee will request such additional information of the applicant as may be necessary. In any case, where approval of the application is not warranted without further information because of the personal knowledge of the committeemen of the applicant's operations and financial situation or for other reasons, the county committee shall request applicant to furnish or may obtain from other sources, what additional information it needs to reach a decision.

(6) Each application must be considered by at least two members of the county committee. The action taken with respect to each application except applications submitted by State and county committeemen and those involving 500 or more animal units must be based upon the combined judgment and decision of two or more members of the county committee and such combined judgment and decision will be indicated in the appropriate space provided on the Application and Certification. If the application is approved, the amount of designated feed grains which the applicant is approved to receive shall be indicated thereon. If the application is rejected, a brief statement of the reasons for such action will be given in the space provided for that purpose. At least two members of the county committee who considered the application will sign the original and copy of the application in behalf of the county committee. The original shall be retained in the county

office and the copy of the application delivered to the applicant, showing the action taken.

(7) In connection with applications submitted by State and county committeemen and those involving 500 or more animal units, the county committee will make recommendations with respect to the eligibility of the applicant and the amount of assistance which such applicant is entitled to receive in accordance with the standards prescribed in this subpart. Such recommendations, together with the applications, shall be referred to such officials in CSS as may be designated by the Executive Vice President, CCC, to make final determinations with respect to such applications on the basis of the same standards and subject to the same limitations as are applicable to the county committee.

(e) *Appeals and review of county committee action.* An applicant may appeal to the State Committee determinations made by the county committee as to his eligibility or the amount of feed grains which he is approved to receive. An appeal shall be accompanied by a written statement of the applicant's justification together with supporting evidence. The State Committee either on its own motion or on appeal is authorized to review actions taken by the county committee with respect to the eligibility of an applicant and the amount of feed he is approved to receive. If the facts warrant such action the State Committee may reverse the determination made by the county committee as to the eligibility of an applicant, and either revise upward or downward the amount of feed an applicant has been approved to receive. The State Committee shall make its determination on the basis of the same standards and subject to the same limitations as are applicable to the county committee. Adjustments downward will be made by the State Committee only after affording the applicant an opportunity to present reasons, together with evidence, in support of his position. If revised upward, an additional purchase order shall be issued to the applicant by the county committee in the amount of the increase in the total assistance allowed. If revised downward and the applicant had been issued a purchase order, the applicant on demand shall return to the county committee a purchase order representing the amount of the decrease in the total assistance allowed, or he shall refund such amount in cash to the county committee. If revised downward and no purchase order had been issued, the county committee will issue a purchase order in the amount approved by the State Committee. No appeal may be had by the applicant from determinations of the State Committee.

(f) *Farmer's purchase order.*—(1) *Issuance.* For each approved application the county committee will issue a purchase order, Form DF-2 (hereinafter referred to as purchase order) to the farmer named in the application which will show the number of hundredweight of feed grains as approved in the application. At the farmer's request, the county committee may issue two or more purchase orders based on one applica-

tion. If more than one purchase order is issued with respect to an application, the total number of hundredweight of feed grains shown on such purchase orders shall not exceed the number of hundredweight which the applicant was approved to receive. If a purchase order has been issued and the farmer requests two or more purchase orders in lieu thereof, the purchase order previously issued must be returned to the county committee for voiding prior to the issuance of the new purchase orders. The replacement purchase orders shall bear the same expiration date as the original purchase order which was voided by the county committee. It shall be solely the responsibility of the farmer to request the issuance of additional purchase orders with respect to an application in sufficient time to permit transfer by him to the dealer of such purchase orders within the period of time specified in the original purchase order.

(2) *Use.* The farmer to whom a purchase order is issued may use it only as part payment on the purchase price of feed grains or approved mixed feed purchased during the prescribed period from a dealer or his authorized representative or from another farmer as provided in paragraph (g) (2) of this section. Such purchase order may not be used by the farmer for any other purpose. A dealer who accepts a purchase order from the farmer to whom it was issued must have allowed such farmer credit for the value thereof as specified in subparagraph (3) of this paragraph in part payment of feed grains and approved mixed feed shown thereon in order to obtain a Dealer's Certificate.

(3) *Value.* The total value of any purchase order shall be the smaller of the following amounts: (i) The number of hundredweight shown in section I of the purchase order multiplied by \$1.00, or (ii) the number of hundredweight of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order multiplied by the applicable value per hundredweight shown below:

(a) Feed grains (excluding ear corn and approved mixed feed): \$1.00 per hundredweight.

(b) Ear corn \$100 per hundredweight multiplied by the ear corn conversion factor.

(c) Mixed Feed A: \$0.75 per hundredweight.

(d) Mixed Feed B: \$0.60 per hundredweight.

A purchase order shall have no value whatsoever for the purchase of mixed feed containing less than sixty percent (60 percent) by weight of feed grains. In the event a dealer accepts a purchase order as part payment on the purchase price of mixed feed containing less than sixty percent (60 percent) by weight of feed grains and exchanges the purchase order for a Dealer's Certificate he shall, upon demand, refund to CCC the amount of credit allowed on such purchase order. Approved mixed feed may contain more than the minimum percentage of feed grains, but a purchase order used in part payment for the purchase of such mixed feed will in no event be valued at other

than the amount stated in (c) and (d) of this subdivision.

(4) *Transfer, date, and delivery.* A purchase order may be transferred by the farmer to a dealer in partial payment of feed grains or approved mixed feed, shown in section III of the purchase order, which have been actually sold and physically delivered by the dealer to the farmer within the prescribed period. The date of transfer of the purchase order shall be the date the certification in section IV is signed by the farmer, which shall be not later than the expiration date of the purchase order.

(i) An actual sale shall be deemed to have been made when the dealer and farmer have agreed on the kinds, quantities and prices of feed grains and approved mixed feed and the total purchase price has been paid by the farmer to the dealer or charged by the dealer against the farmer.

(ii) Physical delivery shall be deemed to have been completed when the farmer has permanently removed or caused to be removed from the dealer's premises and control the total quantity of feed grains and approved mixed feed included in an actual sale.

(g) *Feed on hand and not used.*—(1) *At the expiration of the program in the county.* The farmer shall not use, feed, sell or otherwise dispose of eligible feed acquired on a purchase order which he has on hand on the expiration date of the program in the county unless he pays to the county committee the amount of credit he received on the purchase order(s) for such feed. The expiration date of the program in the county for the purpose of this section shall be the last day of the prescribed period as specified in the purchase order, unless the period of assistance to farmers in the county under this program extends beyond the date in the purchase order and the farmer has received notification in writing from the county committee of such later date. The farmer shall promptly report the quantity and kind of eligible feed acquired on purchase order(s) on hand on the expiration date of the program.

(2) *Reduced or liquidated herds or herds removed from the designated disaster area.* Where feed acquired under the program has not been fed and the herd is substantially reduced or entirely liquidated, or the herd is partially or entirely removed permanently from the designated disaster area, the farmer must report promptly the quantity and kind of such feed on hand to the county office from which the purchase order was obtained. The farmer may then either pay the county committee the value he received on the purchase order for the quantity of feed on hand beyond his requirement for the remainder of the herd in the designated disaster area as determined by the county committee and dispose of the feed as he chooses, or if there is a current Emergency Feed Program in the area he may sell the feed under such program to another farmer who has a current purchase order. If the other farmer who intends to purchase such feed has a purchase order in excess of the quantity of feed being purchased, he shall return the original pur-

chase order to the county office that issued it and obtain in lieu thereof two or more purchase orders, one equalling the amount to be allowed for the emergency feed purchased and another for the balance of the unused portion of the purchase order surrendered. Both farmers, the purchaser and the seller, shall complete and execute such purchase order and submit it to the county office, which shall issue no Dealer's Certificate in connection with such purchase.

§ 475.156 Eligible dealer.

Any person (individual, partnership, corporation, cooperative or other business entity, including agencies of State and local governments) who is engaged in the handling of feed grains or approved mixed feed, who enters into a Feed Dealer's agreement—Emergency Feed Program with CCC, and who posts a performance bond as required by CCC may qualify as an eligible dealer except as follows: (a) A dealer who has deliberately violated the terms and conditions of a previous Emergency Feed Program or is indebted to CCC for an amount due under a prior Emergency Feed Program; (b) any Member of or Delegate to Congress, or Resident Commissioner, and (c) any partnership of which a Member of or Delegate to Congress, or a Resident Commissioner is a partner. A dealer must enter into a separate Feed Dealer's Agreement—Emergency Feed Program with CCC for each county in which he presents purchase orders.

§ 475.157 Dealer's certificates.

(a) *Basis of issuance.* (1) An eligible dealer or his authorized representative may present a purchase order, which has been transferred to him by a farmer, to the county committee which issued it and obtain a Dealer's Certificate based thereon except as follows:

(i) Purchase orders issued in the dealer's name.

(ii) Purchase orders issued in the name of a partnership in which the dealer is a partner.

(iii) Purchase orders issued in the name of a person who is a partner of the same partnership as the dealer.

(iv) Purchase orders issued to a partnership or individual engaged in farming or livestock enterprise in which the dealer has a financial interest.

(v) Purchase orders presented by a dealer who is not otherwise entitled to present a purchase order under the terms and conditions of the Feed Dealer's Agreement.

(2) A dealer who accepts the transfer of a purchase order prior to the time that he enters into an applicable Feed Dealer's Agreement—Emergency Feed Program does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an agreement with the dealer. There must be compliance with the following conditions with respect to each purchase order presented:

(i) A purchase order must be received at the office of the county committee which issued it within 30 calendar days after the date of transfer of the purchase order from the farmer to the dealer.

(ii) The dealer must have actually sold and the farmer must have actually purchased and received physical delivery of the quantity of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order. In the event that any feed grains were delivered trackside to the farmer named in the purchase order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the State Committee to be reasonable. (Information as to the handling margins determined by the State Committee to be reasonable will be available at the county office and should be obtained from such office.)

(iii) The dealer must have accepted the transfer of the purchase order in part payment for the quantity of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order to the full extent of the value as specified in § 475.155(f) (3) for each hundredweight so listed up to the maximum value of the purchase order.

(iv) The dealer must submit to the county office with each purchase order copies of sales tickets, sales slips, invoices, or other appropriate documents, and scale tickets, when available, for the feed grains or approved mixed feed purchased by the farmer, showing the kinds and quantities of feed grains or approved mixed feed purchased, the date of such purchases, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the purchase order.

(v) Sections III and IV of the purchase order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the total value of the purchase order or purchase orders submitted in exchange for the Dealer's Certificate and duly accepted by CCC. The total value of each purchase order shall be determined in accordance with § 475.155 (f) (3).

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and the date of the endorsement.

§ 475.158 Presentation of dealer's certificates to CCC.

Subject to all of the provisions of this subpart, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of designated CCC-owned surplus feed grains which CCC makes available for sale to holders of Dealer's Certificates under this program. CCC reserves the right to limit sales made in redemption of Dealer's Certificates to such grades of the designated CCC-owned surplus feed grains and to such locations of such feed grains, as CCC may from time to time determine.

(a) *Where to purchase.* Holders of valid Dealer's Certificates may purchase designated CCC-owned surplus feed grains from:

(1) CSS commodity offices provided CCC has determined that such surplus feed grains are available through such commodity offices for sale under this program. Information as to CSS commodity offices having such surplus feed grains available for sale may be obtained from the following CSS commodity offices: Evanston CSS Commodity Office, 2201 Howard Street, Evanston, Ill.; Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Tex.; Kansas City CSS Commodity Office, 560 Westport Road, Kansas City 41, Mo.; Minneapolis CSS Commodity Office, 6400 France Ave. So., Minneapolis 10, Minn.; and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oreg.; or

(2) County committees of counties which are located in a designated disaster area as defined in § 475.153(a), or which were in a designated disaster area during this program even though the counties are no longer in such an area if CCC has designated CCC-owned surplus feed grains stored in CCC storage sites located in such counties and CCC has determined that such surplus feed grains are available for sale under this program. The sale will be made by the county committee in charge of the storage site. Information as to the location of CCC storage sites within the State which are now or were formerly under this program in the designated disaster area may be obtained from the State Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the county committee of the county in which the CCC storage site is located.

(b) *Amount of purchase.*—(1) *From commodity offices.* Purchases from CSS commodity offices shall be in carload lots, except as provided in § 475.163(b).

(2) *From county committees.* Purchases from applicable county committees may be in carload lots or less.

(c) *Purchases from CSS Commodity Office.*—(1) *Offer to purchase.* In making an offer to purchase, the holder of Dealer's Certificate(s) must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS commodity office will accept, or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS commodity office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this section shall constitute the sales contract.

(3) *Price.* Sales will be made by the CSS commodity office at the prevailing

market price, as determined by CCC, "in store" or f.o.b. car at point determined by CCC.

(4) *Payment.* (i) The purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased. Such Dealer's Certificates must be submitted in advance of delivery of the feed grains but no later than 10 calendar days after the date of issuance of the confirmation of sale. CCC shall have the election to cancel the sales contract if the purchaser fails to comply with this requirement.

(ii) Notwithstanding the foregoing requirement, the Executive Vice President, CCC, pursuant to notice published in the FEDERAL REGISTER, may authorize Directors of CSS commodity offices to accept in payment from a holder of valid Dealer's Certificates having a total value insufficient to buy a carload lot, the valid Dealer's Certificates held by him plus an amount of cash to cover the remainder of the purchase price of a carload lot of feed grains provided (a) the period for which assistance under this program was authorized by the Administrator, CSS, in the counties where the Dealer's Certificates were issued expired at least 120 days prior to the date of filing the notice in the FEDERAL REGISTER; and (b) the Executive Vice President, CCC, determines that there is only a minor volume of feed grain represented by unredeemed Dealer's Certificates which were issued in such counties and Dealer's Certificates which were issued in other counties are not readily available, and that such sales of feed grain for cash will not impair the price support program. The notice published in the FEDERAL REGISTER shall identify the counties in which the Dealer's Certificates were issued and the period of assistance authorized by the Administrator, CSS, under this program in such counties, to which the notice applies.

(5) *Delivery.* (i) Delivery of designated CCC-owned surplus feed grains will be made "in store" or f.o.b. cars at point determined by CCC. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will utilize all practicable means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation of sale issued by the CSS commodity office.

(6) *Basis of settlement at end of each sale.* (i) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause approved by CCC, the purchaser shall pay to CCC, in cash, the difference between the total face value of the certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(ii) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the sales value of the feed grain delivered, the purchaser

will be issued a new Dealer's Certificate for the excess value.

(iii) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of \$3 or less will be issued only upon request. Deficiencies of \$3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(d) *Purchase from county committee*—(1) *Price*. All sales from CCC storage sites will be made at the prevailing market price as determined by the county committee on the date of sale basis delivery in store in an approved warehouse or f.o.b. conveyance at the storage site.

(2) *Payment*. Payment shall be made by presentation to the county committee, prior to delivery of the feed grains, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grains purchased. The provisions of paragraph (c) (6) of this section shall be applicable to sales from CCC storage sites.

§ 475.159 Limitation on rights of transferees.

The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing its face value, such certificate will be accepted only for its face value at the time of issuance.¹

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such certificate from the county committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the certificate and obtain designated CCC-owned surplus feed grains.

§ 475.160 Suspension of Feed Dealer's Agreement.

CCC may suspend the right of an eligible dealer who has entered into Feed Dealer's Agreement or Agreements to participate in this program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any purchase order presented by him to the county committee, or if the dealer has failed to comply with the provisions of a previous Emergency Feed Program or Feed Dealer's Agreement and the failure was not known to the county

committee when the Feed Dealer's Agreement—Emergency Feed Program was executed. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under this program. In the event of suspension, the dealer shall not be entitled to present any purchase order to any county committee except to the extent that CCC may thereafter agree to accept such purchase order.

§ 475.161 Maintenance of books and records.

The dealer shall maintain and preserve books and records which will permit verification of all transactions with regard to Farmer's Purchase Orders and Dealer's Certificates for at least three full years following exchange of the purchase order for Dealer's Certificates and for such additional period as CCC may request in writing. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 475.162 Extension of time.

(a) *Expired purchase orders*. If the farmer actually purchases and accepts physical delivery of feed grains or approved mixed feed within the prescribed period but does not execute the certificate in section IV of the purchase order within such prescribed period, or if the dealer does not present the purchase order to the county committee within 30 calendar days after the timely transfer of the purchase order to him from the farmer, the farmer or the dealer, as the case may be, may make a request in writing to the county committee which issued the purchase order for an extension of time, giving the facts and circumstances. The county committee may grant an extension of time if it determines that such extension will not adversely affect the program.

(b) *Expired Dealer's Certificates*. Dealers and transferees holding expired Dealer's Certificates may file an application in writing for an extension of time to present such certificates with the county office which issued the certificates or with the CSS commodity office serving the State in which the expired Dealer's Certificates were issued. Such application shall contain a full statement of facts justifying the petitioner's request and the reason why the certificates were allowed to expire. Requests for extension of time of Dealer's Certificates totaling \$1,000 or less will be acted on by the appropriate county office or the CSS commodity office. Requests for extension of time on Dealer's Certificates totalling in excess of \$1,000 will be transmitted by such offices to the Administrator, CSS, Washington 25, D.C., for final action. Such extensions will be granted where it is determined that they will not adversely affect the program.

§ 475.163 Termination.

(a) The program provided for in this subpart may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any purchase order or Dealer's Certificate issued

prior to the effective date of such termination.

(b) Upon termination of this program holders of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains (1) may purchase from a CSS commodity office a carload lot of such feed grains and submit to the CSS commodity office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (2) may purchase from a CSS commodity office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS commodity office in payment therefor. The provisions of § 475.158 shall be applicable to such purchases, except to the extent that such provisions are inconsistent with this paragraph.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of October 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-8647; Filed, Oct. 13, 1959;
8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Control Percentages for 1959-60 Marketing Year

Pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and on the basis of estimates and recommendations of the Walnut Control Board and other available information, it is hereby found that the control percentages hereinafter prescribed for the 1959-60 marketing year will tend to effectuate the declared policy of the act.

Present indications are that the 1959-60 supply of walnuts will not exceed the trade demand therefor (i.e., the combined requirements of the inshell and shelled markets), and thus do not justify the establishment of a marketable percentage at a level other than 100 percent. It appears that grower returns from the 1959 crop would not be improved by restricting the quantity of merchantable

¹ Any false certification or representation, willful alteration, or other fraudulent act will result in prosecution under Federal Criminal statutes and in action under Federal Civil frauds statutes.

walnuts available for the inshell market. A relatively strong trade demand for shelled walnuts during the 1959-60 marketing year is indicated, and handlers should be permitted to dispose of walnuts in either the inshell or shelled outlets without restriction. Also, the control percentages (23 F.R. 8621, 24 F.R. 1826) established for 1958-59, and carried over for the current marketing year pursuant to § 984.84, should not continue in effect for the current marketing year.

It is, therefore, ordered, That the following control percentages shall apply during the 1959-60 marketing year:

§ 984.211 Control percentages for walnuts during the marketing year beginning August 1, 1959.

	District 1 (percent)	District 2 (percent)
Merchantable free.....	100	100
Merchantable restricted.....	0	0
Merchantable allocation.....	0	0
Marketable.....	100	100
Surplus.....	0	0
Diversions.....	0	0

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order later than the date of publication in the FEDERAL REGISTER for the reasons that: (1) The control percentages established for the 1958-59 marketing year apply, pursuant to § 934.84, during the 1959-60 marketing year until the control percentages for such marketing year are established, and handlers are currently required to comply with their merchantable restricted and surplus obligations on the basis of the 1958-59 control percentages; (2) no withholding requirements are necessary for the 1959-60 marketing year, and the control percentages which are herein prescribed are at levels which do not result in any merchantable restricted or surplus obligations on handlers; and (3) this action relieves restrictions on handlers.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 8, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8634; Filed, Oct. 13, 1959; 8:46 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1959-60 Fiscal Year

Notice was published in the FEDERAL REGISTER of September 22, 1959 (24 F.R. 7619) that there was under consideration a proposal to establish free and restricted percentages for Oregon and Washington filberts for the 1959-60 fiscal year which began August 1, 1959. Said action was proposed to be taken in accordance with the applicable provisions

No. 201—2

of Marketing Agreement No. 115, as amended, and Order No. 97, as amended, regulating the handling of filberts grown in Oregon and Washington (7 CFR Part 997; 24 F.R. 6185), effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal with the Department prior to the establishment of the percentages. The prescribed time has expired and no such communications have been received.

Pursuant to § 997.41, and after consideration of all relevant matters presented, including the proposal in the notice, it is hereby found that establishing free and restricted percentages as hereinafter set forth would tend to effectuate the declared policy of the act.

Therefore, it is ordered, That the free and restricted percentages for merchantable filberts during the 1959-60 fiscal year shall be as follows:

§ 997.209 Free and restricted percentages for merchantable filberts during the 1959-60 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1959:

	Percent
Free percentage.....	65
Restricted percentage.....	35

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action will apply to all merchantable filberts handled by handlers during the fiscal year which began August 1, 1959, and such handling has already begun; (2) establishment of these percentages provides a basis for trading between growers and handlers, and such trading follows closely the harvesting of 1959 crop filberts which is now beginning; and (3) compliance with the percentages herein established will require no special preparation on the part of handlers.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 8, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8633; Filed, Oct. 13, 1959; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 120—LOAN POLICY STATEMENT

Business Loans

The Loan Policy Statement Regulation (23 F.R. 10513) is hereby amended

by: Deleting all of § 120.4-2(d) (5) and (7) and substituting the following in lieu thereof:

§ 120.4-2 Business loans.

(d) * * *

(5) If the purpose of the loan is to finance the construction, acquisition, conversion or operation of recreational or amusement facilities, unless such facilities contribute to the health or general well-being of the public;

(7) If any substantial portion of the gross income of the applicant is derived from the sale of alcoholic beverages;

(Sec. 5, 72 Stat. 385; 15 U.S.C. 634)

The foregoing amendment is effective upon publication in the FEDERAL REGISTER.

Dated: October 1, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8631; Filed, Oct. 13, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6642 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Liggett & Myers Tobacco Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act, as amended—Payment for services or facilities for processing or sale under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Liggett & Myers Tobacco Company, Inc., New York, N.Y., Docket 6642, September 9, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an important manufacturer of cigarettes and other tobacco products with violating section 2(d) of the Clayton Act by such practices as (1) making payments to a New York City tobacco wholesaler for promotional services but not making any such payments to its wholesale competitors; (2) paying money to vending machine operators for their services without making such payments available on any terms to competing over-the-counter retailers; and (3) paying point-of-sale allowances to some over-the-counter retailers through individual negotiation and not on a proportionally equal basis while not making such allowances to others.

After trial of the issues, the hearing examiner made his initial decision including findings, conclusion, and order to cease and desist from which counsel filed cross-appeals. The Commission, having heard the matter, denied the appeals and, having modified the initial

decision by views expressed in its opinion, on September 9, adopted it as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondent, Liggett & Myers Tobacco Company, Inc., a corporation, and its officers, agents, representatives, or employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of its cigarettes (hereinafter called "products") in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of any of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondent, Liggett & Myers Tobacco Company, Inc., a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 9, 1959.

By the Commission.¹

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-8624; Filed, Oct. 13, 1959;
8:45 a.m.]

[Dockets Nos. 6750, 6830, 6848, 6908—c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Philip Morris, Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist orders, Philip Morris, Inc., New York, N.Y., Docket 6750; The American Tobacco Company, New York, N.Y., Docket 6830; R. J. Reynolds Tobacco Company, Winston-Salem, N.C., Docket 6848; Brown & Williamson Tobacco Corporation, Louisville, Ky., Docket 6908; September 9, 1959]

In the *Matters of Philip Morris, Inc., a Corporation, Docket 6750; The American Tobacco Company, a Corporation, Docket 6830; R. J. Reynolds Tobacco Company, a Corporation, Docket 6848; and Brown & Williamson Tobacco Corporation, a Corporation, Docket 6908*

These cases were heard by a hearing examiner on the complaint of the Com-

¹ Commissioner Kern dissenting in part.

mission charging four major manufacturers of cigarettes and other tobacco products with violating section 2(d) of the Clayton Act by paying discriminatory promotional allowances to certain retailers and vending machine operators but not to their competitors, based on individual negotiation and not proportionally equal by any test.

Based on orders agreed to by the companies and the Commission's Bureau of Litigation and conditioned upon the issuance of a similar order to a major competitor, Liggett & Myers Tobacco Company, the hearing examiner made his initial decisions and identical orders to cease and desist which on September 9, along with the Liggett & Myers order, became the decisions of the Commission.

The identical orders in the four captioned cases are as follows:

It is ordered, That respondents (named in the above caption), their officers, agents, representatives or employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of their cigarettes (hereinafter called "products") in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of any of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Decision of the Commission", etc., in each of these four cases, reports of compliance were required as follows:

It is further ordered, That respondents (named in the above caption) shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-8625; Filed, Oct. 13, 1959;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.30, paragraphs (b) through (j) and (o) are amended to read as follows:

§ 17.30 Definitions.

(b) *Armed Forces*. The term "Armed Forces" means the United States Army,

Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

(c) *Active military, naval, or air service*. The term "active military, naval or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty.

(1) Active duty includes:

(i) Full-time duty in the Armed Forces, other than active duty for training;

(ii) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service

(a) On or after July 29, 1945, or

(b) Before that date under circumstances affording entitlement to "full military benefits";

(iii) Full-time duty as a commissioned officer of the Coast and Geodetic Survey

(a) On or after July 29, 1945, or

(b) Before that date while either on transfer to one of the Armed Forces, or while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or

(c) In the Philippine Islands on December 7, 1941, and continuously in such islands thereafter;

(iv) Service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as midshipman at the United States Naval Academy;

(v) Full-time duty as a member of the Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps and Women's Reserve of the Coast Guard;

(vi) Authorized travel to or from such duty or service.

(2) Active duty for training includes:

(i) Full-time duty in the Armed Forces performed by reserves for training purposes;

(ii) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service during the period covered in subparagraph (1)(ii) of this paragraph;

(iii) In the case of members of the National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of Title 32, or the prior corresponding provisions of law; and

(iv) Authorized travel to or from such duty.

Active duty for training does not include duty performed as a temporary member of the Coast Guard Reserve.

(3) Inactive duty training

(i) Includes:

(a) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 301 of Title 37 or any other provision of law;

(b) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned;

(c) Duty (other than full-time duty) for members of the National Guard or Air National Guard of any State under the provisions of law stated in subparagraph (2)(iii) of this paragraph.

(ii) Does not include:

(a) Work or study performed in connection with correspondence courses;

(b) Attendance at an educational institution in an inactive status, or duty performed as a temporary member of the Coast Guard Reserve.

(4) Any person who has either (i) applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance in such service, or (ii) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of his local draft board and before rejection; or (iii) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will for purposes of determining service connection for disability, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(5) Any person who when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training and is disabled from an injury incurred after December 31, 1956, by him while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training as the case may be, at the time such injury was incurred.

(6) Whenever a person is discharged or released after December 31, 1956, from a period of active duty, he shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

(d) *Discharge or release.* The term "discharge or release" includes retirement from the active military, naval, or air service.

(e) *Veteran of any war.* The term "veteran of any war" means any veteran who served in the active military, naval, or air service during a period of war and includes any veteran of the Indian Wars.

(f) *Period of war.* The term "period of war" means each of the Indian wars, the Spanish-American War, World War I, World War II, the Korean conflict, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(g) *Spanish-American War.* The term "Spanish-American War" (1) means the period beginning on April 21, 1898, and ending on July 4, 1902, (2) includes the Philippine Insurrection and the Boxer Rebellion, and (3), in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

(h) *World War I.* The term "World War I" (1) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (2), in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.

(i) *World War II.* The term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

(j) *Korean conflict.* The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.

(c) *Chief medical officer.* The term "chief medical officer" means the medical officer in charge of the parent outpatient clinic of the regional office territory in which the clinic is located (i.e., the Manager of a separate Veterans Administration outpatient clinic; the director of the clinic of a regional office (including the Veterans Benefits Office, D.C.), or Chief, Outpatient Service, at a hospital with which an outpatient clinic of a regional office has been consolidated).

2. Section 17.36 is revised to read as follows:

§ 17.36 Eligibility for hospital care and medical services in foreign countries.

(a) *Eligibility in foreign countries other than the Philippines.* No person shall be entitled to receive hospital or domiciliary care or medical services who resides in a foreign country other than the Philippines, except as provided in subparagraphs (1) and (2) of this paragraph.

(1) Hospital care or medical services for otherwise eligible veterans who are citizens of the United States temporarily sojourning or temporarily residing abroad and in need of treatment for an adjudicated service connected disability (38 U.S.C. 624, as amended).

(2) Hospital care or medical services for persons pursuing a course of vocational rehabilitation under 38 U.S.C. ch. 31 who are in need of treatment to avoid interruption of such training (38 U.S.C. 1506).

(b) *Eligibility in the Philippines.* (1) Hospital care may be furnished:

(i) Persons eligible under § 17.47 (a) or (b);

(ii) Persons pursuing a course of vocational rehabilitation under 38 U.S.C. ch. 31 who are in need of treatment to avoid interruption of such training (38 U.S.C. 1506);

(iii) Persons eligible under § 17.47(d) within the limits of available facilities in the Veterans Memorial Hospital, Quezon City, Philippines.

(2) Medical services may be furnished persons eligible under § 17.60.

3. The center head immediately preceding § 17.45 is amended to read as follows: "Hospital and Domiciliary Care".

4. In § 17.45, paragraph (a) is amended to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

(a) Claimants or beneficiaries of the Veterans Administration for purposes of disability compensation, pension, emergency officers' retirement pay, medical feasibility for vocational training under 38 U.S.C. ch. 31 and Government insurance.

5. In § 17.46, paragraphs (a), (b) (1), and (d) are amended to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

Hospital or domiciliary care may be provided:

(a) Subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Veterans.

(2) Members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospital care for chronic diseases and who have no eligibility to hospital care under laws governing the Veterans Administration or who having eligibility do not elect hospitalization as Veteran Administration beneficiaries (Pub. Law 351, 81st Cong., and Executive Order 10122 as amended by Executive Order 10400).

(b) Not subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Persons in the Armed Forces when duly referred with authorization therefor, may be supplied hospital care. Emergency treatment may be rendered such persons upon their own application, when absent from their commands, provided that covering formal authorization be procured as promptly as possible after the emergency treatment is begun.

(d) Charges will be made for the services rendered persons comprehended under paragraph (b) of this section on a basis of rates approved by Bureau of the Budget. The Chief Medical Director will prescribe rates to be charged for services rendered persons comprehended under paragraph (c) of this section.

6. Section 17.47 is revised to read as follows:

§ 17.47 Eligibility for hospital or domiciliary care of persons discharged, released, or retired from active military, naval, or air service.

Within the limits of Veterans' Administration facilities, hospital or domiciliary care may be furnished the following applicants.

(a) Hospital care for veterans in need of such care for an adjudicated war service connected disability or for a non-service connected condition which is associated with and held to be aggravating such disability. (See § 17.48(a) with respect to presumption relating to psychosis. 38 U.S.C. 602.)

(b) Hospital care for:

(1) Veterans discharged or released for disability incurred or aggravated in line of duty or persons who are in receipt of or but for the receipt of retirement pay would be entitled to disability compensation for a service connected disability, when in need of hospital care for the disability for which discharged or released, a service connected disability or for a non-service connected condition which is associated with and held to be aggravating such disability.

(2) Persons defined in § 17.46(a) (2) who require hospitalization for chronic diseases incurred in line of duty in active military, naval, or air service when beds are available and they agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, and Air Force.

(c) Hospital or domiciliary care. (1) Hospital care for veterans discharged or released for disability incurred or aggravated in line of duty, or persons in receipt of or but for the receipt of retirement pay would be entitled to disability compensation for a service connected disability, when suffering from non-service connected disabilities requiring hospital care.

(2) Hospital care for persons defined in § 17.46(a) (2) who require hospital care for chronic diseases not incurred in line of duty in active military, naval, or air service when beds are available and they agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, or Air Force.

(3) Domiciliary care for veterans discharged or released for disability incurred or aggravated in line of duty, or persons in receipt of compensation for service connected disability, when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress himself, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed himself.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(viii) Make rational and competent decisions as to his desires to remain or leave the station.

(d) Hospital or domiciliary care for veterans of any war who swear they are unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility); and who are suffering from a disability, disease, or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all of the following:

(1) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(2) Dress himself with a minimum of assistance.

(3) Proceed to and return from the dining hall without aid.

(4) Feed himself.

(5) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(6) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(7) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(8) Make rational and competent decisions as to his desires to remain or leave the station.

Except for applicants presenting emergent conditions, consideration in admissions under this paragraph may be given to the length or character of service.

7. Section 17.48 is revised to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

(a) For purposes of hospital care any veteran of World War II, or the Korean conflict developing an active psychosis within 2 years from the date of discharge or release from service in such war or conflict is deemed to have incurred the psychosis in the active service. (38 U.S.C. 602.) An application for hospital

care under this provision must be made on or after October 30, 1951, since service connection granted thereunder can be effective only as of the date of application, and in no event prior to October 30, 1951.

(b) (1) For applicants discharged or released for disability incurred or aggravated in line of duty and who are not in receipt of compensation for service connected or service aggravated disability, the official records of the Armed Forces relative to findings of line of duty for its purposes will be accepted in determining eligibility for hospital care. Where the official records of the Armed Forces show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans Administration which permits of a different finding, the decision of the Armed Forces will not be binding upon the Veterans Administration which will be free to make its own determination of line of duty incurrence or aggravation upon evidence so submitted. It will be incumbent upon the applicant to present controverting evidence and, until he so acts and a determination favorable to him is made by the Veterans Administration, the finding of the Armed Forces will control and hospital care will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant was filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the Manager of the field station receiving the application for hospital care, will govern the Manager's disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Armed Forces show that the disability for which a veteran was discharged or released from the Armed Forces under other than dishonorable conditions was incurred or aggravated in the line of duty, such showing will be accepted for the purpose of determining his eligibility for hospitalization, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty.

(2) In those exceptional cases where the official records of the Armed Forces show discharge or release under other than dishonorable conditions because of expiration of period of enlistment or any other reason except disability, but also show a disability incurred or aggravated in line of duty during the said enlistment; and the disability so recorded is considered in medical judgment to be or to have been of such character, duration, and degree as to have justified a discharge or release for disability had the period of enlistment not expired or other reason for discharge or release been given, the Chief Medical Director, upon consideration of a clear, full statement of circumstances submitted to him, is authorized to approve admission of the applicant for hospital care, provided other eligibility requirements are met.

A typical case of this kind will be one where the applicant was under treatment for the said disability recorded during his service at the time discharge or release was given for the reason other than disability.

(c) Under paragraphs (b) (2) and (c) (2) of § 17.47, the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be agreed from time to time jointly by the Chief Medical Director of the Veterans Administration, Assistant Secretary of Defense (Health and Medical) formerly the Chairman of the Armed Forces Medical Policy Council, Office of the Department of Defense, and the Surgeon General of the U.S. Public Health Service, Office of the Department of Health, Education, and Welfare. Blindness, as used in this paragraph is defined as central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees in the better eye.

(d) Under paragraph (c) (3) of § 17.47:

(1) "No adequate means of support"—when an applicant is receiving an income of \$125 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Manager for decision.

(e) Under paragraph (d) of § 17.47:

(1) "A disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous, or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptible of cure or decided improvement by hospital care; or any condition which does not require hospital care for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(2) "Unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility)"—the affidavit of the applicant on VA Form 10-P-10 and the addendum thereto, VA Form 10-P-10a, that he is unable to defray the expenses of hospital or domiciliary care (including transportation to and from a Veterans Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility).

(f) Persons hospitalized pursuant to paragraph (c) (1) or (d) of § 17.47 who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of statutory, contractual, or other relationships with third parties, including those liable for damages by reason of negligence or other legal wrong, will not be furnished hospital care without charge therefor to the extent of the amount for which third parties are or will become liable, and such patients will be requested to execute appropriate assignment or other instrument which will entitle the Administrator of Veterans Affairs—on behalf of the United States—to receive and to collect, directly or as assignee, from the third party or parties, to the extent of the amounts for which such third party, is liable, the cost of such care and treatment as determined under the applicable rules and regulations, including medical fee schedules, of the Veterans Administration. The words "by reason of statutory, contractual or other relationships" as used in this paragraph include, but are not limited to, (1) membership in a union, fraternal or other organization, (2) rights under a group hospitalization plan, or under any insurance contract or plan which provides for payment or reimbursement for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered, (3) "workmen's compensation" or "employers' liability" statutes, State or Federal, (4) right to "maintenance and cure" in admiralty. Notice of the assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties. If payment is not received in due course the matter will be referred to the proper Chief Attorney.

(g) Women veterans will not be entitled to hospital care for pregnancy and parturition unless it is complicated by a pathological condition.

8. Section 17.49 is added to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

(a) *Priorities for hospital care.* Eligible persons will be admitted or transferred to a Veterans Administration hospital in the following order:

(1) *Emergency.* Applicants presenting a bona fide medical emergency (i.e., delay in immediate admission would result in the loss of life or do irreparable and serious damage to a part of the body) will be admitted immediately without regard to their entitlement under the priority groups set forth in subparagraph (3) of this paragraph. Applicants for hospital care for a psychotic condition will not be accorded emergency priority if, without hazard, they can be transported to another hospital.

(2) *Patients on hospital rolls and not occupying a bed.* As these patients are carried on the rolls of the hospital for further treatment of the condition for which they were originally hospitalized, readmission will be effected for treatment of this condition when required without regard to their entitlement under the priority groups set forth in subparagraph (3) of this paragraph.

NOTE: Patients included are those who are on authorized pass, leave of absence, CBOC (completion of bed occupancy care,) in elopement status, and trial visit.

(3) *Priority groups.* (i) Group I includes:

(a) Veterans requiring hospital treatment for service-connected or adjunct disabilities (§ 17.47 (a) or (b)) who are:

(1) Applicants not hospitalized by the Veterans Administration. (Are not in hospitals, or are in non-Veterans Administration hospitals but not under Veterans Administration authorization.)

(2) Patients currently hospitalized by Veterans Administration in Veterans Administration or non-Veterans Administration hospitals whose transfer has been requested for medical reasons.

(b) Armed Forces active duty personnel eligible for hospital treatment under § 17.46(b)(1) who are transferred in anticipation of retirement or separation from active service.

(c) Veterans in training under 38 U.S.C. ch. 31, when hospital care is required to prevent interruption of training.

(ii) Group II includes:

(a) Persons whose hospital care under § 17.45 for observation and examination purposes has been requested by authorized Veterans Administration officials.

(b) Male veterans eligible under § 17.47 (a) or (b), or female veterans eligible under § 17.47, who are hospitalized as beneficiaries of the Veterans Administration in non-Federal hospitals.

(iii) Group III includes:

(a) Veterans receiving hospital or domiciliary care from Veterans Administration pursuant to § 17.47 (c) or (d), as applicable, whose transfer to a Veterans Administration hospital has been requested for medical reasons except as follows: Veterans eligible under § 17.47 (d), admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months will not be accorded priority for transfer under this group. (See Group V.)

(b) Patients eligible under § 17.47 (a) or (b) who are in Veterans Administration hospitals which are not the nearest

appropriate hospital to the point of application, may be transferred to the appropriate hospital nearest the point of application provided the clinical findings indicate they will require 90 days or more of inpatient care in the latter hospital.

(c) Patients eligible under § 17.47 (a) or (b) currently hospitalized in an appropriate Veterans Administration hospital nearest the point of application who have requested a transfer at their own expense to an appropriate Veterans Administration hospital nearer their home; provided clinical findings indicate that such patient will require hospital treatment for a period of 90 days or more in the latter hospital.

(iv) Group IV includes veterans eligible under § 17.47(c), requiring hospital treatment for non-service connected disabilities, and who are not hospitalized by Veterans Administration. (Are not in hospitals or are in non-Veterans Administration hospitals but not under Veterans Administration authorization.)

(v) Group V includes:

(a) Veterans eligible under § 17.47(d) admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months and transfer to a neuropsychiatric hospital has been requested.

(b) Patients eligible under § 17.47 (c) or (d) who on application were admitted to a hospital other than the appropriate one nearest to the point of application. These veterans may be transferred to the appropriate hospital which is nearest to the point of application provided the clinical findings indicate that they will require 90 days or more of inpatient care in the latter hospital.

(c) Patients eligible under § 17.47 (c) or (d) currently hospitalized in an appropriate Veterans Administration hospital nearest the point of application who have requested a transfer at their own expense to an appropriate Veterans Administration hospital nearer their home, provided clinical findings indicate that such patients will require hospital care for a period of 90 days or more in the latter hospital.

(vi) Group VI includes veterans eligible under § 17.47 (d) not hospitalized by Veterans Administration. (Are not in hospitals or are in non-Veterans Administration hospitals but not under Veterans Administration authorization.)

(vii) Group VII includes nonveterans eligible under § 17.46 (b) or (c) (active duty personnel, beneficiaries referred by other Federal agencies, veterans of nations allied with the United States in World War I or II, etc.).

(viii) Group VIII includes patients in Veterans Administration hospitals who have requested transfer, at their own expense for personal reasons, to another appropriate Veterans Administration hospital which is not nearest their home, provided the clinical findings indicate that such patients will require hospital care for a period of 6 months or more in the latter hospital.

(ix) Group IX includes veterans eligible under § 17.47(d) requiring hospital care (a) for an occupational injury or disease incurred in or as a result of their

employment who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by means of some form of industrial coverage provided by their employer or under a workmen's compensation statute or law or (b) who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by reason of some other form of insurance. An applicant will be classified in subdivision (a) or (b) of this priority group only when an employer or insurer has admitted liability and advised the Veterans Administration in writing that the veteran is eligible for the necessary medical and hospital care at no expense to himself. If such information is not available, the application will be placed in Group VI and no action will be taken to ascertain liability prior to admission of the veteran.

(4) *Order of consideration within priority groups.* (i) All applications within a priority group will be listed in an "Urgent" or "General" category, depending upon the examining physician's decision with respect to medical need for hospital care in each case.

(ii) When a suitable bed is vacant and not needed for an emergency admission, the following rule will apply. The bed will be offered to the person for whom it is suitable who is listed first in the highest priority group. No person in any priority group, whether in the urgent or general category, will be offered the bed if there are one or more persons for whom it is suitable who are in the urgent or general category of the higher priority group.

(iii) The principle stated in subdivisions (i) and (ii) of this subparagraph will also be followed in utilizing allocated beds in non-Veterans Administration hospitals.

(b) *Priorities for domiciliary care.* Each person who applies and qualifies for domiciliary care will be classified in one of the applicable priority groups listed in this paragraph.

(1) Domiciliary members returning from an episode of hospital care or those returning from furlough are not to be considered as applicants. Such members are carried on the rolls of the domiciliary and their readmission will be effected without regard to their classification under the priority groupings listed in subparagraph (2) of this paragraph.

(2) Priority for admission to domiciliary care (except as noted in subparagraph (1) of this paragraph).

(i) Group I includes patients eligible under § 17.47(c) (3) who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

(ii) Group II includes applicants eligible under § 17.47(c) (3).

(iii) Group III includes patients eligible under § 17.47(d), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

(iv) Group IV includes applicants eligible under § 17.47(d).

(v) Group V includes members awaiting transfer for personal reasons from other Veterans Administration domici-

liaries and domiciliary sections of centers.

(c) *Priorities for admission to Veterans Memorial Hospital, Republic of the Philippines, of U.S. veterans eligible therefor under § 17.36(b).* Applicants in priority Groups II and III must complete the oath of inability to defray on VA Form 10-P-10 and the addendum, VA Form 10-P-10a.

(1) Group I includes U.S. veterans for service-connected disabilities.

(2) Group II includes U.S. veterans with war service who are in receipt of compensation or were discharged for disability incurred in line of duty when requiring hospital care for nonservice disabilities.

(3) Group III includes U.S. veterans with war service who require hospital care for nonservice connected disabilities.

9. In § 17.155 paragraphs (a) and (b) are amended to read as follows:

§ 17.155 Autopsies.

(a) Except as provided in this section, no autopsy will be performed by the Veterans Administration unless there is no known surviving spouse or known next of kin; or without the consent of the surviving spouse or, in a proper case, the next of kin, unless the patient or domiciled person was abandoned by the spouse, if any, or, if no spouse, by the next of kin for a period of not less than 6 months next preceding his death. Where no inquiry has been made for or in regard to the decedent for a period of 6 months next preceding his death, he shall be deemed to have been abandoned.

(b) If there is no known surviving spouse or known next of kin, or if the decedent shall have been abandoned or if the request is sent and the spouse or, in proper cases, the next of kin fails to reply within the reasonable time stated in such request of the Veterans Administration for permission to perform the autopsy, the Manager is hereby authorized to cause an autopsy to be performed if in his discretion he concludes that such autopsy is reasonably required for any necessary purpose of the Veterans Administration, including the completion of official records and advancement of medical knowledge.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective October 14, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-8649; Filed, Oct. 13, 1959;
8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

Part 168—Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-2195, as Federal Register Document 59-2388, is amended by making the fol-

lowing changes in § 168.5 *Individual country regulations*.

A. In country "Azores", as amended by Federal Register Document 59-4137, 24 F.R. 3991, under Parcel Post, the item *Dimensions* is amended as a result of a change in the permitted dimensions of parcel post packages. As so amended, the item reads as follows:

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

B. In country "Barbados", as amended by Federal Register Document 59-7459, 24 F.R. 7250, make the following changes as a result of the relaxation of import license requirements:

1. Under Postal Union Mail, the item *Import Restrictions* is revoked.
2. Under Parcel Post, the item *Import Restrictions* is revoked.

C. In country "Colombia", as amended by Federal Register Document 59-8445, 24 F.R. 8143, under Parcel Post, the item *Prohibitions* is amended as a result of the Colombian postal administration giving notice that extensive variety of articles is prohibited in the mail to that country. As so amended, the item reads as follows:

Prohibitions. An extensive variety of articles is prohibited to Colombia as a result of stringent import control regulations. Many kinds of food, clothing, footwear, musical instruments, jewelry, ornaments, watches, clocks, electrical and scientific apparatus, books, soap, tobacco and pharmaceutical products are prohibited, as well as articles made from metal, wood, rubber, cloth, paper, cardboard, leather, glass, wax and ceramics. Parcels are accepted only under the conditions set forth in the item *Observations*.

D. In country "Germany (including Saar)", as amended by Federal Register Document 59-7459, 24 F.R. 7250, Federal Register Document 59-7735, 24 F.R. 7506, and by Federal Register Document 59-8445, 24 F.R. 8143, under Postal Union Mail, make the following changes as a result of the postal administration of Eastern Germany giving notice of changes in articles prohibited.

1. Add a new paragraph immediately following the last paragraph of the item *Observations* to read as follows:

Gift shipments for Eastern Germany must be mailed as small packets or as parcel post.

2. The item *Prohibitions* is amended to read as follows:

Prohibitions. Invisible ink. Illegible or incomprehensible designs. Postcards and envelopes bearing illustrations constituting pro-Fascist or subversive propaganda.

Western Germany only: Arms and war materials of all kinds, including

parts of airplanes and military vehicles; communication, electronic and fire-control instruments; cryptographic equipment and cipher codes; trigonometric and cartographic equipment; military maps, plans, instruction manuals and models; training films and other instruction aids, and research material on military subjects.

Paper values of German issue, unless the article is addressed to a German bank.

Eastern Germany only: Militaristic literature.

Butane gas lighters.

Means of payment issued by the Deutsche Notenbank (coins, banknotes, letters of exchange, checks, letters of credit, payment orders, etc.); also values, securities, deposit books of banks and postal savings, etc., issued in Eastern Germany. Currency and other values issued in other countries are admitted, provided the addressee offers them to the Deutsche Notenbank for purchase within 15 days.

Postage stamps, cancelled or not, stamped paper and stamps in bulk, unless addressed to the Deutsche Buch-Export und -Import GmbH, Leipzig C 1, or sent as exchange material to members of the East German philatelic organization under special conditions prescribed by the customs authorities.

Advertising material must be addressed to organizations of the East German government or representatives of foreign commercial interests.

Newspapers and periodicals must be approved for sale in Eastern Germany, even if sent by individuals and not for sale. Mailers should ascertain in advance from the addresses that the publications which they desire to mail will be admitted.

E. In country "Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands, and Northern Ireland)", as amended by Federal Register Document 59-4568, 24 F.R. 4453; and by Federal Register Document 59-7459, 24 F.R. 7250, under Parcel Post, in the item *Observations* strike out the last sentence of paragraph (a) as a result of the British postal authorities giving notice that ordinary parcels containing gift items of small value are treated the same as other parcels, if undeliverable.

F. In country "Italy (including Republic of San Marino)", as amended by Federal Register Document 59-7459, 24 F.R. 7250, under Parcel Post, make the following changes as a result of the postal administration of Italy giving notice that the provision for duty-free entry of gift parcels designated by the term "Pacco familiare gratuito" has been terminated. All articles sent to Italy, even as gifts, are now subject to customs duty.

1. The item *Observations* is amended to read as follows:

Observations. Commercial parcels must be accompanied by a copy of the relative commercial invoice dated and signed by the sender.

The contents of all parcels, including gifts, are subject to customs duty.

2. In the item *Prohibitions*, strike out "Ministry of the Interior" where it appears in the first sentence therein, and insert in lieu thereof "Ministry of Public Health".

G. In country "Madeira Islands", as amended by Federal Register Document 59-4137, 24 F.R. 3991, under Parcel Post, the item *Dimensions* is amended as a result of a change in the permitted dimensions of parcel post packages. As so amended, the item reads as follows:

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

H. In country "Portugal", as amended by Federal Register Document 59-4137, 24 F.R. 3992, and by Federal Register Document 59-7459, 24 F.R. 7250, under Parcel Post, the item *Dimensions* is amended as a result of a change in the permitted dimensions of parcel post packages. As so amended, the item reads as follows:

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-8642; Filed, Oct. 13, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2007]

[74439]

UTAH

Transfer of Lands to the Navajo Tribe of Indians

By virtue of the authority vested in the Secretary of the Interior by the Act of September 2, 1958 (72 Stat. 1686), it is ordered as follows:

1. Subject to valid existing rights, the public lands in the following-described areas, exclusive of the minerals therein, but inclusive of all range improvements constructed thereon, are hereby added to and made a part of the Navajo Indian Reservation and shall hereafter be

held by the United States in trust for the Navajo Tribe of Indians, and shall be subject to all laws and regulations applicable to the Navajo Indian Reservation:

SALT LAKE MERIDIAN

T. 38 S., R. 23 E.,

Sec. 26;
Secs. 33 through 36, incl.

T. 38 S., R. 24 E.,

Sec. 28, all;
Sec. 29, E $\frac{1}{2}$;
Secs. 31 to 35, incl.

T. 39 S., R. 22 E.,

Sec. 24, that portion east and south of Recapture Creek;
Sec. 25, that portion east and south of Recapture Creek.

T. 39 S., R. 23 E.,

Secs. 1 to 4, incl.;
Sec. 5, E $\frac{1}{2}$;
Sec. 8, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
Secs. 9 to 17, incl.;
Sec. 19, that portion east of Recapture Creek;
Secs. 20 to 22, incl.;
Sec. 23, except the SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 24 to 30, incl.;
Secs. 35 and 36.

T. 39 S., R. 24 E.,

Secs. 1 to 12, incl.;
Sec. 13, except SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 14, all;
Sec. 16, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$;
Sec. 18, except SE $\frac{1}{4}$;
Sec. 19, all;

Sec. 20, except NE $\frac{1}{4}$;

Sec. 21, NW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$;

Sec. 23, N $\frac{1}{2}$ and SW $\frac{1}{4}$;

Sec. 24, N $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 26, that portion north and west of present Navajo Reservation;

Sec. 27, that portion north and west of present Navajo Reservation, except W $\frac{1}{2}$;

Sec. 28, NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Secs. 29 to 33, incl.;

Sec. 34, that portion north and west of present Navajo Reservation.

T. 39 S., R. 25 E.,

Sec. 5, except NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 6, S $\frac{1}{2}$ NE $\frac{1}{4}$; Lots 3, 4, 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 6, 7 and E $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$; Lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, all;

Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$; Lots 1, 2 and NE $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

T. 40 S., R. 23 E.,

Secs. 1, 2 and 12.

T. 40 S., R. 24 E.,

Secs. 3, 4 and 5, those portions lying north and west of the present Navajo Reservation;

Sec. 6, all;

Secs. 7, 8, 18 and 19, those portions lying north and west of the present Navajo Reservation.

The areas described are within the current exchange acreage entitlement.

2. This order shall attach to lands and interests therein now or heretofore owned or claimed by the State of Utah in the sections described upon acceptance of title thereto or any interest therein by the United States.

3. The Navajo Tribe is hereby authorized and directed to adopt regulations for, and carry into effect forthwith, the settlement and occupation of said lands and interests therein by the Navajos in accordance with the Act of September 2, 1958 (72 Stat. 1686).

ELMER F. BENNETT,
Acting Secretary of the Interior.

OCTOBER 8, 1959.

[F.R. Doc. 59-8627; Filed, Oct. 13, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Consideration will be given to any data, views or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 938.203 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and this part, to enable such committee to perform its functions pursuant to the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to \$18,228.25.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 135 and this part shall be \$0.00183 per 100 pounds handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8646; Filed, Oct. 13, 1959; 8:48 a.m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO, AREA NO. 1

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the

approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.232 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to \$900.

(b) The rate of assessment for Area No. 1 to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be one cent (\$0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-8635; Filed, Oct. 13, 1959;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 171, 174, 175, 176]

BOND REQUIREMENTS FOR PERMITS AND LEASES FOR MINING MIN- ERALS OTHER THAN OIL AND GAS

Notice of Proposed Rule Making

Basis and purpose. Notice is given that the Secretary of the Interior proposes to amend 25 CFR Parts 171, 174, 175, and 176. The purpose of the amendments is to allow a reduced bond coverage when issuing permits and leases for mining minerals other than oil and gas when the Secretary of the Interior or his authorized representative believes that by so doing the interests of the Indians are adequately protected. Parts 172 and 173 are amended by reference, because the applicable sections incorporate by reference the section on bonds in Part 171.

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, the Department of the Interior policy is to observe rule making requirements voluntarily wherever practicable. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 7, 1959.

1. Section 171.6(a) is amended to read as follows:

§ 171.6 Bonds.

(a) Lessee shall furnish with each lease a bond (Form 5-154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5-154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond

No. 204—3

on Form 5-154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds shall not be less than the following amounts:

For less than 80 acres.....	\$1,000
For 80 acres and less than 120 acres....	1,500
For 120 acres and not more than 160 acres.....	2,000
For each additional 40 acres, or part thereof above 160 acres.....	500

Provided, That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representative may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further*, That a lessee may file one bond (Form 5-154f), in the sum of \$15,000 for all leases of minerals, in any one State and which may also include leases on that part of an Indian reservation extending into States contiguous thereto, to which the lessee may become a party: *And provided further*, That the total acreage covered by the bond shall not exceed 10,240 acres.

2. Section 174.15(a) is amended to read as follows:

§ 174.15 Bonds.

(a) Lessee shall furnish with each mining lease a bond (Form 5-154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5-154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5-154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds, except as provided in paragraph (c) of this section, shall not be less than the following amounts:

For less than 80 acres.....	\$1,000
For 80 acres and less than 120 acres....	1,500
For 120 acres and not more than 160 acres.....	2,000
For each additional 40 acres, or part thereof above 160 acres.....	500

Provided, That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representative may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further*, That a lessee may file a bond (Form 5-154f), in the sum of \$15,000 for all leases of minerals up to 10,240 acres under the jurisdiction of the officer in charge of the Five Civilized Tribes Agency.

3. Section 175.4 is amended to read as follows:

§ 175.4 Bonds.

Lessee shall furnish with each lease at the time it is filed with the officer in charge an acceptable bond not less than the following amounts:

For less than 80 acres.....	\$1,000
For 80 acres and less than 120 acres....	1,500
For 120 acres and not more than 160 acres.....	2,000
For each additional 40 acres, or part thereof above 160 acres.....	500

Provided, That for leases for minerals other than oil and gas the Secretary of the Interior or his authorized representative may authorize a bond for a lesser amount if, in his opinion, the circumstances warrant and the interests of the Indian landowners are fully protected: *Provided further*, That the lessee shall be allowed to file bond, Form S¹ covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of \$15,000. The right is reserved to change the amount of the bond in any particular case, or to require a new bond in the discretion of the Secretary of the Interior.

4. Section 176.13 is amended to read as follows:

§ 176.13 Bond.

Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bonds, unless authorized by the Secretary of the Interior or his authorized representative, shall be not less than the following amounts:

For less than 80 acres.....	\$2,500
For 80 acres and less than 120 acres....	3,500
For 120 acres or more.....	5,000

Provided, however, That the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease: *Provided further*, That a lessee may file in lieu of such individual lease bonds, one bond in a sum to be fixed by the Secretary of the Interior covering all leases to which he is or may become a party. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond.

[F.R. Doc. 59-8626; Filed, Oct. 13, 1959;
8:45 a.m.]

¹ For further information concerning form, see § 175.24.

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary
WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions:

British Columbia Forest Products, 995 West Sixth Avenue, Vancouver 9, British Columbia, Aluminum, Ltd., 1155 Metcalfe Street, Montreal, Canada.
Campbell Chibougamau Lines, Ltd., 620 Cathcart Street, Montreal, Canada.
Stanley Warner, 1585 Broadway, New York 36, N.Y.

B. Additions:

Royal American Corp., 40 Wall Street, New York 5, N.Y.
Textron, Inc., 10 Dorrance Street, Providence, R.I.
Erie Railroad, 101 Prospect Avenue NW., Cleveland, Ohio.
Canuba Manganese Mines, Ltd., Canton, Ohio.

The following were added and deleted in the past six months:

Walworth Co., 750 Third Avenue, New York 17, N.Y.
Imperial Chemical Industries, Imperial Chemical House, London S.W. 1, England.
Delaware, Lackawanna & Western R.R., 140 Cedar Street, New York 6, N.Y.
American Motors Corp., 14250 Plymouth Road, Detroit, Mich.

This statement is made as of October 6, 1959.

WILLIAM M. FIRSHING.

OCTOBER 6, 1959.

[F.R. Doc. 59-8644; Filed, Oct. 13, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The State of Alaska, Department of Public Works, has filed an application, Serial Number F-024135, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for use as a maintenance campsite in connection with the Nome-Kougarok Road.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 516 Second Avenue, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PILGRIM SPRINGS AREA

Starting at a point on the Nome-Kougarok Road survey $\frac{1}{2}$ mile South 37° East from the crossing of the Kruzgamepa River and at approximate latitude $65^{\circ}07'17''$ North, longitude $164^{\circ}43'01''$ West; thence South 53° West a distance of 350 feet to the true point of beginning; thence South 37° East a distance of 300 feet; thence South 53° West a distance of 400 feet; thence North 37° West a distance of 600 feet; thence North 53° East a distance of 400 feet; thence South 37° East a distance of 300 feet to the true point of beginning. The above described area contains 5.51 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 59-8643; Filed, Oct. 13, 1959; 8:47 a.m.]

[83440]

LOUISIANA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

The Plats of Island Surveys, Group 43, Louisiana, described below, accepted June 18, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m. November 13, 1959.

LOUISIANA MERIDIAN, TERREBONNE AND LA FOURCHE PARISHES, LOUISIANA

T. 21 S., R. 20 E. (2 sheets)

Sheet (1)	
Sec. 13,	Acres
Lot 1, containing-----	0.01
Lot 2, containing-----	.04
Lot 3, containing-----	.29
Sec. 23, Lot 1, containing-----	.08
Sec. 24,	
Lot 1, containing-----	98.51
Lot 2, containing-----	.38
Lot 3, containing-----	2.64
Total-----	101.95

Sheet (2)	
Sec. 25,	Acres
Lot 1, containing-----	0.08
Lot 2, containing-----	.58
Sec. 26,	
Lot 1, containing-----	.01
Lot 2, containing-----	38.49
Lot 3, containing-----	.26
Lot 4, containing-----	69.77
Sec. 34,	
Lot 1, containing-----	90.35
Lot 2, containing-----	17.76
Sec. 35,	
Lot 1, containing-----	2.93
Lot 2, containing-----	132.76
Lot 3, containing-----	29.92
Lot 4, containing-----	.43
Lot 5, containing-----	4.43

LOUISIANA MERIDIAN, TERREBONNE AND LA FOURCHE PARISHES, LOUISIANA—CON.

T. 21 S., R. 20 E. (2 sheets)—Con.

Sheet (2)—Continued	
Sec. 36,	Acres
Lot 1, containing-----	11.05
Lot 2, containing-----	14.37
Total-----	413.19

T. 22 S., R. 20 E.,	
Sec. 1, Lot 1, containing-----	Acres
Sec. 2,	
Lot 1, containing-----	.07
Lot 2, containing-----	16.09
Sec. 3,	
Lot 1, containing-----	17.47
Lot 2, containing-----	.76
Total-----	35.13

T. 23 S., R. 20 E.,	
Sec. 1,	Acres
Lot 1, containing-----	0.15
Lot 2, containing-----	1.45
Lot 3, containing-----	.10
Lot 4, containing-----	.40
Lot 5, containing-----	4.66
Lot 6, containing-----	1.73
Sec. 2, Lot 1, containing-----	.05
Sec. 23, Lot 1, containing-----	28.38
Sec. 24,	
Lot 1, containing-----	.01
Lot 2, containing-----	124.30
Total-----	161.23

T. 22 S., R. 21 E. (6 sheets)

Sheet (1)	
Sec. 1,	Acres
Lot 1, containing-----	121.20
Lot 2, containing-----	37.29
Total-----	158.49

Sheet (2)	
Sec. 5, Lot 1, containing-----	Acres
Sec. 8, Lot 1, containing-----	10.85
Total-----	417.40

Sheet (3)	
Sec. 13,	Acres
Lot 1, containing-----	0.13
Lot 2, containing-----	25.26
Sec. 14,	
Lot 1, containing-----	48.78
Lot 2, containing-----	.08
Sec. 15, Lot 1, containing-----	10.15
Sec. 22, Lot 1, containing-----	6.05
Sec. 23,	
Lot 1, containing-----	.25
Lot 2, containing-----	25.60
Lot 3, containing-----	4.53
Lot 4, containing-----	.48
Lot 5, containing-----	.62
Sec. 24, Lot 1, containing-----	69.57
Total-----	191.50

Sheet (4)	
Sec. 16,	Acres
Lot 1, containing-----	17.75
Lot 2, containing-----	3.59
Lot 3, containing-----	5.21
Sec. 17, Lot 1, containing-----	51.89
Sec. 20,	
Lot 1, containing-----	55.44
Lot 2, containing-----	108.18
Sec. 21,	
Lot 1, containing-----	.72
Lot 2, containing-----	.58
Lot 3, containing-----	106.51
Lot 4, containing-----	1.30
Total-----	351.17

LOUISIANA MERIDIAN, TERREBONNE AND LA
FOURCHE PARISHES, LOUISIANA—CON.

T. 22 S., R. 21 E. (6 sheets)—Con.

Sheet (5)

Sec. 25,	Acres
Lot 1, containing-----	28.84
Lot 2, containing-----	.10
Lot 3, containing-----	4.04
Lot 4, containing-----	9.52
Lot 5, containing-----	14.82
Lot 6, containing-----	.19
Lot 7, containing-----	.26
Sec. 26,	
Lot 1, containing-----	.57
Lot 2, containing-----	1.96
Lot 3, containing-----	60.95
Sec. 36,	
Lot 1, containing-----	.02
Lot 2, containing-----	.08
Lot 3, containing-----	2.14
Lot 4, containing-----	5.11
Lot 5, containing-----	60.51
Total-----	189.11

Sheet (6)

Sec. 29, Lot 1, containing-----	Acres
	43.47

The surveys were made as an administrative measure pursuant to the selections by the State of Louisiana under BLM 042882, 042883, 042884, and 042885 for unsurveyed public lands in the above townships pursuant to the provisions of the Swamp Land Grant Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519).

The islands surveyed were found to be near mean high tide elevation in height. The banks are sloping due to the washing off of material. Wave action keeps a narrow bank of wave cast material and debris ringed around each, which bank is from two to six inches higher than the interior areas. The lowered interior of these lands with their surrounding escarpment banks create a "bowl" effect in which water gathers and stands but none of the areas can be considered as tidal in character. Drainage devices would be necessary to remove the standing water. The areas are covered with a sparse growth of short black mangrove and creeping vegetation known locally as cord grass and pepper grass. No occupancy was found on these islands. No appreciable differences existed in character, formation, and elevation of the islands from the lands previously surveyed. The islands are classified as being over 50 percent swamp in character in the year 1849 within the meaning and interpretation of the Swamp Land Grant Act of March 2, 1849 (9 Stat. 352).

Upon the effective date hereof, the land involved will become subject to the operation of and disposal under the existing appropriate public land laws.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59-8628; Filed, Oct. 13, 1959;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9345]

ATLAS CORP. ET AL.

Notice of Hearing

In the matter of the amended application of Atlas Corporation pursuant to

section 408 of the Federal Aviation Act of 1958, as amended, for either (a) a disclaimer of jurisdiction, or (b) approval of the possible acquisition by Mercast Corporation, a subsidiary of Atlas Corporation, and Atlas Corporation of certain securities, which might constitute control, of Summers Gyroscope Company; in the matter of the joint application of Northeast Airlines, Inc. and George E. Gardner, Radu Irimescu and David A. Stretch for approval of certain interlocking relationships pursuant to section 409(a) of the Federal Aviation Act of 1958, as amended, and regulations issued pursuant thereto; Docket No. 9345.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-indicated matters is assigned to be held on October 22, 1959, in room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., at 10 a.m., before Hearing Examiner Ralph L. Wiser.

For details with respect to the issues involved in this proceeding, interested persons are referred to the documents filed by the parties and the examiner's report of prehearing conference, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before October 20, 1959, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., October 8, 1959.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8645; Filed, Oct. 13, 1959;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADMINISTRATION OF CAPPER-VOLSTEAD ACT

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, there is hereby established a committee composed of the General Counsel, Chairman, Administrator of the Agricultural Marketing Service and the Administrator of the Farmer Cooperative Service, whose function shall be to carry out the responsibilities assigned to the Secretary of Agriculture by the Capper-Volstead Act (7 U.S.C. 291-292), and other functions assigned by the Secretary, reserving to the Secretary, however, the function of prescribing rules and regulations for hearings under said Act and the issuance of final orders directing associations to cease and desist from monopolization and restraint of trade. The committee may call upon any agency of the Department, whose line functions in the judgment of the committee generally relate to a particular case before it, to investigate facts, provide information and otherwise generally assist the committee in performing its assigned functions.

Secretary's Memorandum No. 1332 of July 23, 1953 (18 F.R. 4408) is revoked.

Done at Washington, D.C., this 9th day of October 1959.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-8636; Filed, Oct. 13, 1959;
8:46 a.m.]

SOUTH CAROLINA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of South Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Allendale.	Colleton.
Bamberg.	Dorchester.
Barnwell.	Hampton.
Beaufort.	Jasper.
Berkeley.	Lexington.
Calhoun.	Orangeburg.
Charleston.	Richland.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-8648; Filed, Oct. 13, 1959;
8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ASSISTANT DIRECTOR FOR TRAINING, EDUCATION, AND PUBLIC AFFAIRS

Delegation of Certain Student Ex- pense Program Authority and Functions

1. *Purpose.* The purpose of this Delegation of Authority is to transfer to the Assistant Director for Training, Education, and Public Affairs certain authority and functions concerning the program of payment of travel expenses and per diem allowances, pursuant to section 201(e) of the Federal Civil Defense Act of 1950, as amended, for students in attendance at OCDM schools.

2. *Authority and functions delegated.* Pursuant to the authority vested in me under the Federal Civil Defense Act of 1950, as amended, Reorganization Plan No. 1 of 1958, as amended, and Executive Order 10773, as amended, I hereby delegate to the Assistant Director for Train-

ing, Education, and Public Affairs, retaining the right to exercise the same concurrently, the authority and functions necessary for the administration of the program of Federal reimbursement, pursuant to section 201(e) of the Federal Civil Defense Act of 1950, as amended, for expenses of students attending OCDM schools. Such authority and functions include, but are not limited to, the following:

(a) Obtaining from appropriate OCDM authority allotments of funds for the student expense program, and controlling the utilization of funds allotted.

(b) Approving requests for reimbursement and other documents obligating funds for student expenses.

(c) Determining and revising student quotas and allocations of funds to States.

(d) Issuing correspondence and communications explaining and applying OCDM directives and issuances relative to the student expense program.

3. *Limitations.* The Assistant Director for Training, Education, and Public Affairs shall exercise such authority and perform such functions in accordance with the Federal Civil Defense Act of 1950, as amended; other applicable law; OCDM regulations, manuals, supplements and amendments thereto, as may be applicable; and such additional rules, regulations, procedures, administrative or technical instructions and communications as the Director or the Director of Administration may issue.

4. *Redelegation.* With the exception of the authority and functions set forth in subparagraphs (b), (c), and (d), of paragraph 2 of this Delegation of Authority, the authority and functions hereby delegated shall not be redelegated but shall be exercised and performed by the Assistant Director for Training, Education, and Public Affairs.

5. *Effective date.* This Delegation of Authority shall be effective upon execution.

Dated: October 9, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-8637; Filed, Oct. 13, 1959;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

OCTOBER 8, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the \$1.00 par value common stock of F. L. Jacobs Co., File No. 1-2645.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hear-

ing under section 19(a) (2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On September 28, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 8, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 9, 1959 to October 18, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-8629; Filed, Oct. 13, 1959;
8:45 a.m.]

[File No. 2-2980]

AMERICAN FORGING & SOCKET CO.

Notice of Application for Exemption

OCTOBER 8, 1959.

Notice is hereby given that The American Forging & Socket Company, a Michigan corporation, has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that sec-

tion and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

1. All of the outstanding shares of issuer's Common Stock, \$1 par value, being its only authorized and outstanding security, are held of record and the number of such record holders does not exceed 50 persons; and

2. In its opinion, the filing of further reports is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after October 27, 1959, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than October 23, 1959, at 5:30 p.m., e.d.s.t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desired to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-8630; Filed, Oct. 13, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 203]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate

Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62388. By order of October 7, 1959, the Transfer Board approved the transfer to Dino D'Agata, Philadelphia, Pa., of Certificate in No. MC 69185, issued February 27, 1941, to Emil Urban, Philadelphia, Pa., authorizing the transportation of: *Malt Beverages*, from Philadelphia, Pa., to specified points in Delaware, Maryland, and New Jersey, and *empty containers* on the return; *Malt Beverages and empty malt-beverage containers*, between points in Philadelphia County, Pa. Samuel H. Copelin, 1422 Chestnut Street, Philadelphia 2, Pa., for applicants.

No. MC-FC 62448. By order of October 7, 1959, the Transfer Board approved the transfer to Walter Pitts, West Memphis, Arkansas, of the operating rights in Certificates Nos. MC 92974 and MC 92974 Sub 4, issued November 29, 1950, and July 29, 1942, respectively, to Thomas George Hunter, authorizing the transportation over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Texarkana, Ark., and Texarkana, Tex., and points in Arkansas and Texas within five miles of Texarkana, Ark., and Texarkana, Tex., and of tile and clay products, creosoted lumber, timber, and poles, farm machinery, livestock, feed-stuffs, and grain, lumber, timber and poles, untreated, and oil field equipment and supplies, from and to, and between specified points in Texas and Arkansas. Albert G. Walker, 202 Capital National Bank Building, for applicants.

No. MC-FC 62500. By order of October 7, 1959, the Transfer Board approved the transfer to Odys Lyon, doing business as Odys Lyon Trucking, Warren, Ark., of Certificate No. MC 102849 issued October 7, 1953, in the name of Warren Truckers, Inc., Warren, Ark., authorizing the transportation of lumber over irregular routes, from Warren, Ark., to points in Louisiana, Missouri, Kansas, Oklahoma, and Texas. Tom Haley, Warren, Ark., for transferee, E. E. Ashbaugh, Game and Fish Building, Little Rock, Ark., for transferor.

No. MC-FC 62524. By order of October 7, 1959, the Transfer Board approved the transfer to Bakery Products Transport, Inc., West Orange, N.J., of Certificates Nos. MC 36874 and MC 36874 Sub 2, issued June 14, 1956 and November 6, 1956, in the name of David Gold, doing business as Gold's Express, West Orange, N.J., authorizing the transportation of bakery products and supplies, between New York, N.Y., and Philadelphia, Pa., serving the intermediate and off-route points of Trenton, N.J., Newark, N.J., Jersey City, N.J., and those in Essex County, N.J.; bakery products, and empty containers used in the transportation of bakery products, serving Perth Amboy, Westfield, Garfield, Passaic, Paterson, Morristown, Hackensack, Newton, Hackettstown, Asbury Park and Toms River, N.J., and points on Long

Island, N.Y., as off-route points in connection with carrier's regular route operations between Philadelphia, Pa., and New York, N.Y., restricted to delivery of traffic moving from Philadelphia; and bakery products, and empty containers used in the transportation of bakery products, serving New Brunswick, N.J., as an intermediate point in connection with carrier's regular route operations between Philadelphia, Pa., and New York, N.Y., restricted to delivery of traffic moving from Philadelphia. George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N.J., for applicants.

No. MC-FC 62528. By order of October 7, 1959, the Transfer Board approved the transfer to Albert Weinstein, doing business as Chase Carriers, New York, N.Y., of Certificate in No. MC 30110, issued January 28, 1941, to Jack Heilveil, doing business as Heilveil Delivery Co., New York, N.Y., authorizing the transportation of: *General commodities*, with the usual exceptions including household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, New Jersey. William D. Traub, 10 East 40th Street, New York 16, N.Y., for applicants.

No. MC-FC 62539. By order of October 7, 1959, the Transfer Board approved the transfer to H. F. Friese, Friedheim, Missouri, of Certificate No. MC 1196 issued August 1, 1957, to Bill Beshier, doing business as Robinson Truck Line, Patton, Missouri, authorizing the transportation of livestock and farm products, over regular routes, from Patton, Mo., to National Stock Yard, Ill., serving the intermediate point of St. Louis, Mo., intermediate and off-route points of Bollinger County, Mo., within 15 miles of Patton, Mo., and those in St. Clair County, Ill.; and general commodities, excluding household goods and commodities in bulk, and other specified commodities, from National Stock Yards, Ill., to Patton, Mo., serving the intermediate point of St. Louis, Mo., intermediate and off-route points in Bollinger County, Mo., within 15 miles of Patton, Mo., and those in St. Clair County, Ill.; and from National Stock Yards over the above-specified route to Patton. Robert M. Buerkle, Exchange Bank Building, Jackson, Mo., for applicants.

No. MC-FC 62545. By order of October 7, 1959, the Transfer Board approved the transfer to E. T. Stretton Transportation Company, a corporation, Cambridge, Mass., of Certificates Nos. MC 65691 and Sub 9 thereunder, issued August 3, 1955 and October 3, 1955, respectively, in the name of Everett T. Stretton, doing business as E. T. Stretton, Cambridge, Mass., authorizing the transportation over irregular routes of chemicals, from Boston, Mass., and points within 5 miles thereof to points in Rhode Island and New Hampshire; and between Boston, Mass., and, points in Massachusetts; machinery, between Boston, Mass., points in Massachusetts; and between Everett, Mass., and points in Connecticut and Rhode Island; groceries, from Boston, Mass., to points in Maine; junk and waste paper, from

points in Maine to Boston, Mass.; groceries, oil burners, stoves, and stove parts, between Boston, Mass., and points in Rhode Island and Massachusetts; raw materials used in the manufacture of paper, paper products, paper articles, paper mill supplies, from points in Massachusetts to points in Massachusetts; manufactured leather products, shoe manufacturers' supplies and machinery, paper and paper products, and wholesale leather, between points in Massachusetts; wholesale leather and shoe manufacturers' supplies between points in Mass. and points in New Hampshire, Connecticut, and Rhode Island; agricultural commodities, during the season extending generally from the first of September to the first of June, from points in Mass., to points in Rhode Island, Connecticut, and New York; and from points in Vermont to points in Massachusetts, Rhode Island, Connecticut, and New York; lumber, from Norwich, Conn., to Holyoke, Mass., and from Portsmouth, R.I., to Chicopee, Mass.; paper, paper products, and materials and supplies used in the manufacture of paper and paper products, between points in Massachusetts, and points in Rhode Island, New Jersey, Connecticut, and New York. Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass., for applicants.

No. MC-FC 62569. By order of October 7, 1959, the Transfer Board approved the transfer to E. H. Smith and John E. Taylor, a partnership, doing business as Eastern Iowa Transport, Onslow, Iowa, of Permits Nos. MC 113883 and MC 113883 Sub 3, issued January 5, 1955 and June 3, 1958, respectively, in the name of Harvey Borchers, Big Rock, Iowa, authorizing the transportation of animal and poultry feed concentrates, from Cedar Rapids, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; animal and poultry feed ingredients and empty containers for animal and poultry feed concentrates, from points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin to Cedar Rapids, Iowa; and disc harrows, other than those which because of size or weight require the use of special equipment from Hutchinson, Kans., to Wheatland, Iowa. William A. Landau, P.O. Box 1634, Des Moines, Iowa for applicants.

No. MC-FC 62576. By order of October 7, 1959, the Transfer Board approved the transfer to Herbert J. Schreiber, doing business as St. Marys Bus Lines, St. Marys, Pa., of Certificate No. MC 3556, issued February 13, 1953, to Richard Detsch and Melvin Detsch, a partnership, doing business as Detsch Bus Lines, St. Marys, Pa., authorizing the transportation of passengers and their baggage, over regular routes, between St. Marys, Pa., and Ridgway, Pa., and all intermediate points; between Johnsonburg, Pa., and Emporium, Pa., and all intermediate points; between St. Marys, Pa., and Clearfield, Pa., and all intermediate points; and passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Johnsonburg, Pa., on the

one hand, and, on the other, Olean, N.Y.; and between Smethport, Pa., on the one hand, and, on the other, Port Allegheny, Pa. Charles I. Houston, Farmers & Merchants Bank Building, St. Marys, Pa., for applicants.

No. MC-FC 62579. By order of October 7, 1959, the Transfer Board approved the transfer to Domenic Ricauda, Fred Ricauda, Rita Libei and Lily Gianotti, a partnership, doing business as Ricauda Stages, Clinton, Inc., of Certificate No. MC 45754 issued June 16, 1942, to Margherita Ricauda, Domenic Ricauda and Lily Gianotti, co-executors, doing business as Ricauda Stages, Clinton, Ind., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Clinton, Ind., and points in Indiana within 20 miles of Clinton, to points in Illinois and return. Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., for applicants.

No. MC-FC 62588. By order of October 7, 1959, the Transfer Board approved the transfer to George Smith Jr., Inc., Cortez, Colo., of Certificates Nos. MC 112172 Sub 1 and MC 112172 Sub 3, issued June 14, 1951 and July 30, 1954, respectively, in the name of Geo. W. Smith, Jr., Cortez, Colo., authorizing the transportation of Uranium and vanadium ores, in bulk, over irregular routes, from points within 175 miles of Monticello, Utah to Shiprock, N. Mex., Naturita and Durango, Colo., and Monticello, Utah. O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex., for applicants.

No. MC-FC 62604. By order of October 7, 1959, the Transfer Board approved the transfer to Adolph E. Hulcher and Austin W. Hulcher, a partnership, doing business as A. E. Hulcher & Son, Virden, Ill., of Certificates Nos. MC 69981, MC 69981 Sub 5, MC 69981 Sub 6, and MC 69981 Sub 8, issued December 8, 1949, May 16, 1951, December 17, 1954, and February 2, 1956, respectively, in the name of Adolph E. Hulcher, Virden, Ill., authorizing the transportation of washing machines, ironers, and supplies and parts thereof, over regular and irregular routes, laundry driers and home deep freezers and parts thereof, and ranges and parts thereof, over irregular routes, from Newton, Iowa, to 49 specified Illinois counties; and laundry driers, freezers, washing machines, ironers, and ranges, and parts thereof, from Newton, Iowa, to points in Peoria and Woodford Counties, Ill. Mack Stephenson, 208 East Adams Street, Springfield, Ill., for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8641; Filed, Oct. 13, 1959;
8:47 a.m.]

[Notice 101]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 9, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with

service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-108158 (Sub No. 29) (Deviation No. 2), MID-CONTINENT FREIGHT LINES, INC., 202-210 West Harrison Street, Oak Park, Ill., filed September 28, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Oklahoma City, Okla., over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction unnumbered highway at or near Braman, Okla., thence over such unnumbered highway to the Kansas-Oklahoma State line, thence over the Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: from El Reno, Okla., over U.S. Highway 66 to Chicago, Ill.; from Durant, Okla., over U.S. Highway 69 to Kansas City, Mo., thence over U.S. Highway 40 to St. Louis; from Oklahoma City, Okla., over U.S. Highway 77 to Florence, Kans., thence over U.S. Highway 50-S to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City; from Atoka, Okla., over U.S. Highway 75 to Independence, Kans., thence over U.S. Highway 160 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City; from Tulsa, Okla., over U.S. Highway 169 to junction U.S. Highway 160 near Cherryvale; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8640; Filed, Oct. 13, 1959;
8:47 a.m.]

[Notice 291]

MOTOR CARRIER APPLICATIONS

OCTOBER 9, 1959.

The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 5), filed June 22, 1959. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtank, Sealdbin and Nest-a-Bin containers, in or upon ordinary vehicles, over the routes and in the territories, including all termini and all off-route and all intermediate points applicant is authorized to serve in Certificate No. MC 82. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

Note: Applicant states it seeks to serve no new territory; that it believes it is presently authorized to transport commodities moving in containers of any kind or description.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1.

No. MC 504 (Sub No. 32), filed October 5, 1959. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtanks and Sealdbins when transported in standard vehicles, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant, in the transportation of General Commodities, with certain exceptions, as authorized in Certificate No. MC 504 and sub numbers thereunder, in the States of Delaware, Georgia, Illinois, Maryland, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 703 (Sub No. 11), filed May 29, 1959. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in the

transportation of General Commodities, as authorized in Certificate No. MC 703 and sub numbers thereunder. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

NOTE: Applicant states that it seeks authority by the instant application, if it does not already have authority, to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "sealtdrums" or "sealdbins", marketed by the U.S. Rubber Company, or other collapsible containers of similar nature and design.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 730 (Sub No. 154) (REPUBLICATION), filed August 18, 1959, published issue FEDERAL REGISTER October 7, 1959. Applicant PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Colorado to points in Wyoming and South Dakota. Applicant is authorized to conduct operations in California, Colorado, Arizona, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: Reassigned to November 9, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 1470 (Sub No. 7), filed September 28, 1959. Applicant: COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers of all types, including Sealtdrums, Sealdbins, and other collapsible containers, in or upon ordinary freight-carrying vehicles, from, to, and between all points applicant is authorized to serve in the transportation of general commodities, with certain specified exceptions, as authorized in Certificate No. MC 1470 and sub numbers thereunder in the States of Ohio, Indiana, and Illinois.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 1778 (Sub No. 6), filed July 30, 1959. Applicant: MOTOR EXPRESS, INC., a New Jersey corporation, 727 South Jefferson Street, Chicago 7, Ill. Applicant's attorney: John S. Fessenden, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealtdrum" and "Sealdbin" containers, in or upon ordinary vehicular equipment, from, to and between all points applicant is authorized to serve in the transportation of general commodities, including all intermediate and off-route points, as authorized in Certificate No. MC 1778. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 2306 (Sub No. 4), filed September 28, 1959. Applicant STRICKLAND MOTOR FREIGHT LINES, INC., 2917 Gulden Lane, P.O. Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, including but not limited to those known as "Sealtdrums" or "Sealdbins", or the equivalent thereof, over the routes and in the territory including all intermediate and off-route points authorized to be served by applicant in Certificate No. MC 2306 covering the transportation of general commodities, with certain exceptions, in Illinois, Missouri, New Jersey, Ohio, New York, and Pennsylvania.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 2990 (Sub No. 15), filed September 17, 1959. Applicant: BLUE ARROW TRANSPORT LINES, INC., 525 Burton SW., Grand Rapids, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to "Sealtdrums" and "Sealdbins", transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions, in Illinois, Michigan, and Indiana, as authorized in Certificate MC 2990 and sub numbers thereunder.

HEARING: December 7, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 4409 (Sub No. 19), filed August 5, 1959. Applicant: R. & H. CORPORATION, a corporation, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, disks, and tops therefor and fibre-board boxes*, from Charleston, W. Va., to points in Ohio and returned glass containers, cullet, and returned empty containers, pallets and shipping devices used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Ohio, Delaware, Virginia, Maryland, the District of Columbia, West Virginia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, and Indiana.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Com-

merce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 4409 (Sub No. 11). Dual operations may be involved.

HEARING: November 18, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 9895 (Sub No. 107), filed October 5, 1959. Applicant: DENVER-CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* in bulk, from points in Colorado, to points in Montana. Applicant is authorized to conduct operations in Colorado, Wyoming, South Dakota, Nebraska, Kansas, Missouri, Utah, and Idaho.

NOTE: Applicant states it is controlled by Denver-Chicago Trucking Company, Inc., a common carrier under No. MC 29988, through stock ownership.

HEARING: November 9, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 265, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 11184 (Sub No. 11), filed September 30, 1959. Applicant: McDANIEL FREIGHT LINES, INCORPORATED, 414 North Walnut Street, Crawfordsville, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, except Class A and B explosives, in collapsible cargo containers, including but not limited to Sealtdrums and Sealdbins, and empty containers or other incidental facilities used in transporting the commodities specified in this application, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant in the transportation of general commodities under Certificate No. MC 11184 and sub numbers thereunder, in Indiana and Illinois.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 14252 (Sub No. 11), filed September 28, 1959. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealtdrum" and "Sealdbin" containers, in or upon ordinary vehicles, between all points applicant is authorized to serve in the transportation of general commodities, including all intermediate and off-route points, in Ohio, Indiana, Kentucky, Pennsylvania, and West Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 17778 (Sub No. 31), filed October 6, 1959. Applicant: YALE TRANSPORT CORP., a New York corporation, 460 12th Avenue, New York, N.Y. Applicant's attorney: Herbert Burnstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtanks" and "Sealdbin" containers, in or upon ordinary vehicular equipment, between all points applicant is presently authorized to serve, including all intermediate and off-route points, in the transportation of General Commodities, as authorized in Certificate No. MC 17778. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, the District of Columbia, Virginia, Delaware, and New Hampshire.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 118117 (Sub No. 3), filed September 28, 1959. Applicant: W. B. HOGG, Quarryville, Pa. Applicant's Representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials, stove shovels, and grass stops*, from Philadelphia, Pa., to points in North Carolina, South Carolina, Georgia, and Florida, and *rejected and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Vermont.

HEARING: November 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 19553 (Sub No. 21), filed August 28, 1959. Applicant: KNOX MOTOR SERVICE, INC., P.O. Box 359, Rockford, Ill. Applicant's representative: Robert M. Kaske, P.O. Box 359, Rockford, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Class A and B explosives, livestock, and commodities in bulk, including bulk liquids, (1) between Joliet, Ill., and St. Louis, Mo.: from Joliet over Alt. U.S. Highway 66 to junction U.S. Highway 66, and thence over U.S. Highway 66 to St. Louis, and return over the same route; (2) between Peoria, Ill., and St. Louis, Mo.: from Peoria over U.S. Highway 150 to Bloomington, Ill., and thence over U.S. Highway 66 to St. Louis, and return over the same route; (3) between Peoria, Ill., and St. Louis, Mo.: from Peoria over Illinois Highway 121 to Decatur, Ill., thence over Illinois Highway 48 to junction U.S.

Highway 66, and thence over U.S. Highway 66 to St. Louis, and return over the same route; (4) between Peoria, Ill., and St. Louis, Mo.: from Peoria over Illinois Highway 29 to junction U.S. Highway 66, and thence over U.S. Highway 66 to St. Louis, and return over the same route; and (5) between Moline, Ill., and St. Louis, Mo.: from Moline over U.S. Highway 67 to St. Louis, and return over the same route, serving all intermediate points on the above-described routes (1) through (5) inclusive. Applicant is authorized to conduct operations in Iowa, Wisconsin, and Illinois.

HEARING: December 4, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 135.

No. MC 21571 (Sub No. 23), filed September 30, 1959. Applicant: SCHERER FREIGHT LINES, INC., 424 Madison Street, Ottawa, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks or bins or the equivalent thereof, including, but not limited to, sealdtanks and sealdbins, transported in or on standard motor vehicles, from, to and between all points applicant is authorized to serve in the transportation of general commodities, with certain exceptions, in the States of Illinois, Wisconsin, Missouri, Iowa, and Indiana, as authorized in Certificate No. MC 21571 and sub numbers thereunder.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 25567 (Sub No. 44), filed October 1, 1959. Applicant: HANCOCK TRUCKING, INCORPORATED, 1917 West Maryland Street, Evansville, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* in containers, including but not limited to sealdtank, sealdbin and Nest-a-bin containers, in or upon ordinary vehicles, over the routes, and in the territory, including all intermediate and off-route points, applicant is authorized to conduct operations as authorized in Certificate No. MC 25567 and sub numbers thereunder. Applicant is authorized to conduct operations in Missouri, Indiana, Michigan, Ohio, Illinois, Kentucky, New York, Pennsylvania, West Virginia, and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 26377 (Sub No. 11), filed June 8, 1959. Applicant: LEONARDO TRUCK LINES, INC., Route 1, Granger, Wash. Applicant's attorney: Don M. Tunstall, 1016 Larson Building, Yakima, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in stainless steel tanks, from Yakima, Wash., to Nampa, Idaho. Ap-

plicant is authorized to conduct operations in Oregon and Washington.

HEARING: December 15, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 31600 (Sub No. 468), filed September 17, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor and liquid cocoa butter*, in bulk, in tank vehicles, from Hershey, Pa., to Buffalo, N.Y., Boston and Charlton, Mass., North Grovenordale and Naugatuck, Conn., Frankfort, Ind., and Chicago, Ill. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, New York, Connecticut, Pennsylvania, New Hampshire, Maine, Delaware, New Jersey, Kentucky, Maryland, Virginia, Ohio, Illinois, Indiana, North Carolina, Michigan, West Virginia, Vermont, South Carolina, and Georgia.

HEARING: November 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 32430 (Sub No. 2), filed August 24, 1959. Applicant: FERGUSON TRANSFER COMPANY, a corporation, 320 North Front Street, Coos Bay, Ore. Applicant's attorney: Paul Gerhardt, Equitable Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, logging and loggers' equipment and contractors' equipment*, between all points in Oregon and all points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Sonoma, Mendocino, Butte, Sierra, Plumas, and Tehama Counties, California. Applicant is authorized to conduct operations in Oregon.

HEARING: December 10, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 11.

No. MC 35334 (Sub No. 46), filed September 23, 1959. Applicant: COOPER-JARRETT, INC., 2113 West 73d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes transporting: *Liquid or dry commodities*, in collapsible or rigid tanks or bins, or the equivalent thereof, including but not limited to, sealdtanks and sealdbins, from, to, and between all points which applicant is authorized to serve in the transportation of general commodities, in Missouri, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Kansas, Nebraska, and Iowa, as authorized in Certificate No. MC-35334 and sub numbers thereunder.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 35439 (Sub No. 5) (AMENDMENT), filed July 15, 1959, published FEDERAL REGISTER issue of October 1, 1959. Applicant: HENRY SAMPLE, JR., RAYMOND SAMPLE, JAMES McCULLOUGH AND JAMES T. NICHOLS, doing business as SAMPLE TRUCK LINE, East Main Street, Tupelo, Miss. Applicant's attorney: John Paul Jones, 1012 Home Federal Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Amory and Nettleton, Miss., to Memphis, Tenn. Applicant is authorized to conduct operations in Mississippi and Tennessee.

HEARING: Remains as assigned November 17, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 39300 (Sub No. 3), filed September 21, 1959. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati 32, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, of the kind presently authorized to be transported by applicant, in collapsible tanks or bins, including but not limited to those known as "Seal tanks" or "Seal bins", or the equivalent thereof, over all routes and between all points applicant is authorized to serve in Certificate MC 39300, in Ohio, Illinois, and Indiana.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 42487 (Sub No. 404), filed July 14, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Ore. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving the Cougar Dam site located on the South Fork of the McKenzie River in Oregon, approximately 3 miles south of U.S. Highway 126, and points within 10 miles of said site, as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: December 3, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 172.

No. MC 45105 (Sub No. 9), filed September 24, 1959. Applicant: BELL MO-

TOR FREIGHT, INC., P.O. Box 266, 2135 Olmstead Street, Kalamazoo, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jute, jute fibre and carpet cushion linings*, from Franklin, Ohio, to Ionia, Mich., and points in Michigan on and west of U.S. Highway 27 and on and south of U.S. Highway 16, and those in Indiana on and east of U.S. Highway 31 and on and north of U.S. Highway 52, (2) *Propellers*, from Piquia, Ohio, to points in Michigan on and west of U.S. Highway 27 and on and south of U.S. Highway 16, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia.

HEARING: December 1, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 46005 (Sub No. 13), filed October 8, 1959. Applicant: BURG TRUCKING CORP., 835 Washington Street, New York 14, N.Y. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission in Section A of Appendix I to the report in Ex Parte MC 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, in tank vehicles, from Elizabeth and Linden, N.J., to points in Nassau, Westchester, and Suffolk Counties, N.Y. Applicant is authorized to conduct operations in Connecticut, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 46005 (Sub No. 9). Dual operations may be involved.

HEARING: November 10, 1959, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 50186 (Sub No. 2), filed September 4, 1959. Applicant: SOUTH BEND RENTAL SERVICE, INC., 341 South Peck Street, La Grange, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street., Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by chain retail and mail order department stores, the business of which is the sale of general commodities, between Rockford, Ill., and points in Green, Rock and Walworth Counties, Wis. Applicant is authorized to conduct operations in Indiana and Michigan.

HEARING: December 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 52657 (Sub No. 577), filed September 16, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Ap-

plicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor Vehicles*, and *parts or accessories* for such vehicles, by truckaway or driveway method, in initial and secondary movements, from Cortland, N.Y., to points in the United States, including Alaska, and *damaged or rejected shipments* of motor vehicles on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 52746 (Sub No. 52), filed October 7, 1959. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving ballistic missiles testing and launching sites and supply points therefor, within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 52877 (Sub No. 5), filed September 17, 1959. Applicant: CHICAGO-ST. LOUIS EXPRESS, INC., 1030 South 11th Street, St. Louis, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to "Seal tanks" and "Seal bins", transported in or on standard motor vehicles, from, to and between all points which applicant is authorized to serve in the transportation of general commodities, with certain exceptions, in Illinois, Indiana, and Missouri, as authorized in Certificate MC 52877 and sub numbers thereunder.

HEARING: December 7, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 160.

No. MC 52920 (Sub No. 27), filed July 20, 1959. Applicant: PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South and Holgate Streets, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, petroleum products in tank trucks, and commodities requiring special equipment (other than such equipment for use in

transporting machinery, tanks, and other commodities requiring the use of flat-bed trucks), serving Chelatchie Prairie, Wash., as an off-route point in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: December 14, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 55842 (Sub No. 6), filed July 1, 1959. Applicant: SUPERIOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtank, Sealdbin and Nest-a-Bin Containers, in or upon ordinary vehicles, over the routes and in the territory, including all termini and all off-route points authorized to be served in Certificate No. MC 55842 in the States of Illinois, Indiana, and Michigan.

HEARING: November 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 73.

No. MC 59185 (Sub No. 23), filed September 25, 1959. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland 13, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of general commodities, with certain exceptions, including all intermediate and off-route points, between Cleveland, Ohio and Detroit, Mich.; by virtue of Certificate No. MC 59185 and sub numbers thereunder. Applicant is authorized to conduct operations in Michigan and Ohio.

HEARING: November 30, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 59649 (Sub No. 11), filed August 31, 1959. Applicant: PEORIA CARTAGE COMPANY, a corporation, 905 Southwest Washington Street, Peoria, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Davenport, Iowa, and Chicago, Ill., from Davenport over Illinois Highway 2 to junction U.S. Highway 30 at Rock Falls, Ill., thence over U.S. Highway 30 to junction Illinois Highway 31 at Aurora, Ill., thence over Illinois Highway 31 to junction Illinois

Highway 65, thence over Illinois Highway 65 to junction U.S. Highway 34 east of Aurora, Ill., thence over U.S. Highway 34 to Chicago, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Davenport, Iowa and Chicago, Ill. Between Chicago, Ill., and Danville, Ill., from Chicago over Illinois Highway 1 to Danville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago and Danville, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Missouri.

HEARING: December 2, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 53.

No. MC 59680 (Sub No. 126), filed September 28, 1959. Applicant: STRICKLAND TRANSPORTATION CO., INC., 2917 Gulden Lane, P.O. Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* in collapsible tanks or bins, including but not limited to those known as "Sealdtanks" or "Sealdbins", or the equivalent thereof, over the routes and in the territory including all intermediate and off-route points authorized to be served in Certificate No. MC 59680 and sub numbers thereunder covering the transportation of general commodities, with certain exceptions, in Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 60014 (Sub No. 5), filed September 28, 1959. Applicant: AERO TRUCKING, INC., 918 Saw Mill Run Boulevard, Pittsburgh, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement pipe with asbestos fibre*, from Waukegan, Ill., to points in Ohio, West Virginia and those in Pennsylvania on and west of U.S. Highway 15. Applicant is authorized to conduct operations in Ohio, Michigan, Illinois, Pennsylvania, and West Virginia.

NOTE: Applicant states that it does not seek duplicating authority.

HEARING: November 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 61403 (Sub No. 45), filed September 29, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

Chemicals, in special tank containers on Government-owned trailers, with or without escorts, and (2) *empty government-owned trailers*, between the site of the Savannah River plant of the Atomic Energy Commission at or near Dunbarton, S.C., on the one hand, and, on the other, the Oak Ridge Plant of the Atomic Energy Commission at Oak Ridge, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The Atomic Energy Commission advises that the commodities proposed to be transported are Chemicals, N.O.S., which is actually a mixture of chemicals, the base of which is nitric acid, and the radioactivity is very slight, and is not to be considered as a dangerous radioactive substance.

HEARING: October 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Hugh M. Nicholson.

No. MC 66344 (Sub No. 15), filed September 8, 1959. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, (1) from the site of the Great Lakes Pipeline Terminal, located approximately three (3) miles east of Olathe, Kans., on Kansas Highway 150, to points in that part of Missouri bounded on the south by the Missouri-Arkansas State line beginning at the Missouri-Oklahoma State line and extending easterly to U.S. Highway 65, thence north along U.S. Highway 65 to junction with U.S. Highway 60, thence east along U.S. Highway 60 to junction with U.S. Highway 63, thence north along U.S. Highway 63 to the Missouri-Iowa State line, thence west along the Missouri-Iowa State line to the Missouri-Nebraska State line, thence south along the Missouri-Nebraska State line to the Missouri-Kansas State line, thence south along the Missouri-Kansas State line to the Missouri-Oklahoma State line, and thence south along the Missouri-Oklahoma State line to point of beginning at the Missouri-Arkansas State line including points along the indicated portions of the highways specified, and *damaged refused and contaminated liquid petroleum products*, in bulk, in tank vehicles, on return; and (2) from points in that part of Missouri indicated in (1) above to points in Kansas. Applicant is authorized to conduct operations in Kansas and Missouri.

NOTE: Applicant has pending applications to conduct operations as a common carrier in No. MC 114965 and Sub numbers thereunder; a proceeding has been instituted under section 212(c) in No. MC 66344 Sub No. 14 to determine whether applicant's sta-

tus is that of a contract or common carrier. Applicant states it is authorized to transport the above-specified commodities from refining and producing points in Kansas and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to the area covered in the instant application; that is view of shipper relocation, applicant is requesting an additional origin point; and that no duplicating authority is sought.

HEARING: November 6, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 66562 (Sub No. 1494), filed May 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Main Office: 219 East 42d Street, New York 17, N.Y., Local Office: 1004 Farnam Street, Omaha 2, Nebr. Applicant's attorney: Elmer F. Slovacek, Railway Express Agency, Incorporated, Suite 2800, 188 Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Madison, S. Dak., and Pipestone, Minn., from Madison in an easterly direction over South Dakota Highway 34 to junction South Dakota Highway 13, a distance of approximately thirty (30) miles, thence north over South Dakota Highway 13 to Flandreau, S. Dak., approximately three (3) miles, thence return over said South Dakota Highway 13 to junction South Dakota Highway 34, thence continue over South Dakota Highway 34 to the South Dakota-Minnesota State line, approximately seven (7) miles, thence over Minnesota Highway 47 to Pipestone, approximately eight (8) miles, and return over the same route, serving the intermediate points of Wentworth, Colman, Egan, and Flandreau, S. Dak. **RESTRICTIONS:** (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; and (2) shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 14, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26.

No. MC 66562 (Sub No. 1558), filed September 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, beginning and ending at Rapid City, S. Dak., from Rapid City over U.S. Highway 14 to Sturgis, S. Dak., thence over Alternate U.S. Highway 14 to Deadwood, S. Dak., thence return over Alternate U.S. Highway 14 to Sturgis, thence over South Dakota Highway 24 to junction U.S. Highway 85, thence over U.S. Highway

85 to Belle Fourche, S. Dak., thence east over U.S. Highway 212 to Newell, S. Dak., thence south over U.S. Highway 212 to junction South Dakota Highway 79, thence over South Dakota Highway 79 to Sturgis, S. Dak., thence over Alternate U.S. Highway 14 to Deadwood, S. Dak., thence return over Alternate U.S. Highway 14 to Sturgis, thence south over U.S. Highway 14 to Rapid City serving the intermediate points of Sturgis, Deadwood, Belle Fourche, and Newell, S. Dak. Applicant states shipments transported are to be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 15, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 67020 (Sub No. 7), filed September 29, 1959. Applicant: SEATTLE TRANSFER & STORAGE COMPANY, a Washington corporation, 2 Hanford Street, Seattle, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except *Class A and B explosives*, moving in express service, serving Everett, Wash., as an intermediate point, and Edmonds, Wash., as an off-route point in connection with applicant's authorized regular route operations between Seattle, Wash., and Blaine, Wash. Applicant is authorized to conduct operations in Washington.

NOTE: Applicant states that the service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Great Northern Railway Co. for the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on a through express receipt, covering in addition to the movement by carrier an immediately prior or immediately subsequent movement by rail or air express.

HEARING: December 18, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 67818 (Sub No. 64), filed September 17, 1959. Applicant: MICHIGAN EXPRESS INC., 505 Monroe Avenue NW., Grand Rapids, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to "Seal tanks" and "Seal bins", transported in or on standard motor vehicles, from, to and between all points applicant is authorized to serve in the transportation of general commodities, with certain exceptions, in Michigan, Illinois, and Indiana, as authorized in Certificate MC 67818 and sub numbers thereunder.

HEARING: December 7, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 68618 (Sub No. 28), filed July 30, 1959. Applicant: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in containers, including Seal tanks, between the boundary between the United States and Canada, and Los Angeles, Calif., as follows: (1) from the boundary between the United States and Canada, near Blaine, Wash., over U.S. Highway 99 to Portland, Oreg., and thence over U.S. Highway 99 (also U.S. Highways 99E and 99W), to Los Angeles; (2) from Sacramento and Dixon, Calif., over U.S. Highways 40 and 101, to points on San Francisco Bay, including Oakland, San Francisco, and San Jose, Calif.; and (3) from Manteca, Calif., to Oakland, Calif., serving all intermediate points in California, and to and from other intermediate and off-route points as follows: southbound—Tacoma, Centralia and Vancouver, Wash., Portland, Salem, Eugene, Roseburg, and Medford, Oreg., for pick-up, South San Francisco, Alameda, Albany, El Cerrito, Richmond, San Leandro, Stege, San Rafael, Vallejo, and Pittsburg, Calif., and points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, for delivery; northbound—Tacoma, Centralia, and Vancouver, Wash., Portland, Salem, Eugene, Roseburg, and Medford, Oreg., for delivery; and San Francisco, South San Francisco, Alameda, Oakland, Berkeley, Albany, El Cerrito, Emeryville, Richmond, San Leandro, Stege, San Rafael, Vallejo, Pittsburg, Bakersfield, Fresno, Modesto, Stockton, Sacramento, and Redding, Calif., and points in the Los Angeles and Los Angeles Harbor Commercial Zones, as defined by the Commission, for pick-up; and the following intermediate and off-route points, northbound or southbound—all intermediate points on the above-specified routes, and San Diego, South San Francisco, Alameda, Albany, El Cerrito, Richmond, San Leandro, Stege, San Rafael, Vallejo, and Pittsburg, Calif., and points in the Los Angeles and Los Angeles Harbor Commercial Zones, except that no service shall be rendered between points in Oregon, on the one hand, and, on the other, points in Washington. Applicant is authorized to conduct operations in California, Washington, and Oregon.

NOTE: Applicant states it has authority to perform the above-described service under its present authority; however, it has filed this application so as to have the authority to continue to transport liquid commodities in such containers as Seal tanks, if the Commission should decide that such transportation is not within the authority of general commodity carriers.

HEARING: December 7, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5.

No. MC 69901 (Sub No. 9), filed October 1, 1959. Applicant: NEWSOM TRUCKING COMPANY, INC., P.O. Box 509, U.S. Highway 31 Bypass, Columbus, Ind. Applicant's attorney: John E.

Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtanks, Sealdbins, and Nest-a-Bin containers, in or upon ordinary vehicles, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 69901. Applicant is authorized to conduct operations in Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kentucky, Ohio, West Virginia, Pennsylvania, and New York.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before James H. Gaffney.

No. MC 73675 (Sub No. 26) (AMENDMENT), filed May 18, 1959, published at Page 6925, issue of August 26, 1959, republished at Page 7433, issue of September 16, 1959. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, except commodities requiring special equipment, and *government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo., and (2) *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistic missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas, and Illinois.

NOTE: This republication substitutes *government-owned compressed gas trailers* in lieu of *shipper-owned*.

HEARING: Reassigned to November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 193.

No. MC 74120 (Sub No. 7), filed September 30, 1959. Applicant: PORTO TRANSPORT, INC., P.O. Box 5689, 2917 Guldan Lane, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities* in collapsible tanks or bins, including but not limited to those known as "Sealdtanks" or "Sealdbins", or the equivalent thereof, over the routes and in the territory, including all intermediate and off-route points authorized to be served by applicant in Certificate

No. MC 74120 covering the transportation of general commodities, with certain exceptions, in Connecticut, Massachusetts, New Jersey, and New York.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 76264 (Sub No. 19), filed October 5, 1959. Applicant: WEBB TRANSFER LINE, INC., U.S. Highway 60E, Shelbyville, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted or homogenized, or reconstructed or blended tobacco including tobacco stems, dust, slivers and refuse of manufacturing machines, and tobacco partially manufactured by any other method of processing*, but excluding manufactured tobacco finished and ready for sale to wholesalers, retailers, or consumers, when moving along or in mixed shipments with unmanufactured tobacco, and empty containers for the above-specified commodities, (1) between Spottswood, N.J., and Ancram, N.Y., and points within 5 miles of each on the one hand, and, on the other, points in Virginia, North Carolina, Alabama, Florida, Georgia, and Pennsylvania, and (2) between points in Virginia and North Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Dual operations may be involved.

HEARING: November 16, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner Leo M. Pellerzi.

No. MC 77404 (Sub No. 11), filed September 24, 1959. Applicant: MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Tylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers of all types including Sealdtanks, Sealdbins, and other collapsible containers, in or upon ordinary freight-carrying vehicles, from, to and between all points which applicant is authorized to serve as a carrier of general commodities, with certain specified exceptions, in Certificate No. MC 77404 and sub numbers thereunder, in Ohio, Michigan, and Indiana.

HEARING: November 30, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 78643 (Sub No. 42), filed July 27, 1959. Applicant: HART MOTOR EXPRESS, INC., 2600 University Avenue Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Com-

mission, commodities in bulk, and those requiring special equipment, (1) between Glasgow, Mont., and Billings, Mont.: (a) from Glasgow over U.S. Highway 2 to Malta, thence over Montana Highway 19 to Lewistown, and thence over U.S. Highway 87 to Billings, and return over the same route, and (b) from Glasgow over U.S. Highway 2 to Malta, thence over Montana Highway 19 to junction unnumbered highway east of Roy, thence over unnumbered highway to junction U.S. Highway 87 near Grass Range, and thence over U.S. Highway 87 to Billings, and return over the same route, serving all intermediate points, except that service to and from points on U.S. Highway 2 west of Glasgow shall be restricted against the handling of shipments which originate at or are destined to points east of Glasgow; (2) between Glendive, Mont., and Billings, Mont.: from Glendive over U.S. Highway 10 to Billings, and return over the same route, serving no intermediate points; and (3) serving Glendive, Circle and Vida, Mont., as intermediate points in connection with applicant's authorized routes as set forth on Sheet 2 of its Certificate No. MC 78643 dated March 11, 1953. Applicant is authorized to conduct operations in Illinois, Minnesota, Wisconsin, Montana, North Dakota, South Dakota, Iowa, Ohio, and Nebraska.

HEARING: December 1, 1959, at the Court House, Glasgow, Mont., before Joint Board No. 82.

No. MC 78786 (Sub No. 217), filed June 23, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: William Meinhold, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, automobiles and trucks, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, other than cement, and commodities requiring special equipment, other than cement, between Eugene, Oreg., and Cougar Dam, Oreg.: from Eugene over U.S. Highway 126 to Rainbow, Oreg., and thence over unnumbered road to Cougar Dam, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct common carrier operations in Oregon, California, Arizona, and Nevada.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 78787 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

HEARING: December 3, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172.

No. MC 79690 (Sub No. 19), filed July 27, 1959. Applicant: COAST-LEE & EASTES, INC., 2326 Airport Way, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Portland, Oreg., and Astoria, Oreg.: from Portland over U.S. Highway 30 to Astoria and return over the same route, serving no intermediate points; (2) between Astoria, Oreg., and Seaside, Oreg.: from Astoria over U.S. Highway 101 to Seaside, and return over the same route, serving all intermediate points over U.S. Highway 101 and points within five (5) miles of each; and (3) between Portland, Oreg., and Seaside, Oreg.: from Portland over U.S. Highway 26 to Seaside, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: November 30, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172.

No. MC 88161 (Sub No. 55), filed June 5, 1959. Applicant: INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Avenue, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Yakima, Wash., to Nampa, Idaho, and *rejected or contaminated shipments*, on return. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: December 15, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 88161 (Sub No. 57) Filed August 17, 1959. Applicant: INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Avenue, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Vinegar*, in bulk, in tank vehicles, from Yakima, Wash. to Scappoose, Oreg., and *rejected or contaminated shipments* on return. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: December 15, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 45.

No. MC 89611 (Sub No. 7), filed September 4, 1959. Applicant: Ernest Ulrich, U.S. 50 East, Olney, Ill. Applicant's attorney: Grover Hoff, 233 West Monroe Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, and in barrels and glass containers, from the site of the Alton Vinegar Co. plant at Olney, Ill., to points in Jackson, Scott, Miami, Grant, Henry, and Jay Counties, Ind., and to points in Wood and Hancock Counties, Ohio, and *empty vinegar containers* on return movements. Applicant is authorized to conduct operations in Arkansas, Illinois,

Indiana, Kentucky, Missouri, Ohio, and Tennessee.

HEARING: December 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58.

No. MC 94604 (Sub No. 1), filed July 17, 1959. Applicant: PACIFIC STORAGE AND DELIVERY CO., a Corporation, 1409 Southeast Rural Street, Portland, Oreg. Applicant's attorney: William P. Ellis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, between points in Oregon and Washington. Applicant is authorized to transport new automotive vehicles, finished and unfinished, and new automotive vehicle chassis, in driveaway service, from Portland, Oreg., over U.S. Highway 99, to Vancouver, Wash.

HEARING: December 10, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45.

No. MC 95894 (Sub No. 2), filed August 10, 1959. Applicant: EDWIN B. REDLINGER, doing business as ED REDLINGER TRUCKING SERVICE, Box 727, Winner, S. Dak. Authority sought to operate as *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Fertilizer*, from the plant site of the Crystal Chemical Company, Inc., near South Sioux City, Nebr., on U.S. Highway 77, to Winner, S. Dak., and points in South Dakota within 25 miles from Winner, S. Dak., and (2) *Farm machinery, farm machinery repair parts, tankage, feed, minerals, bone-meal, limestone, grit, fertilizer, hardwood lumber, structural steel*, not requiring special equipment, *flat steel sheets, corrugated steel sheets, rain gutters, downspouting, woven wire, cement blocks, brick, building tile, cement, plywood, plasterboard, posts, nails, staples, spikes, tacks, lumber and seed* from Omaha, Nebr., to Winner, S. Dak., and (3) *Feed seed, cement blocks, structural steel*, not requiring special equipment, *brick, building tile, cement, plywood, plasterboard, posts, nails, staples, spikes, tacks, hardwood lumber, fabricated steel*, not requiring special equipment, *rain gutters, downspouting, woven wire, builders' hardware, such as door knobs, hinges, ceiling tile, wallboard, insulating sheathing, sheet-rock, sewer tile, lumber, cement blocks, and barbed wire* from Sioux City, Iowa, to Winner, S. Dak., to points in South Dakota within 25 miles of Winner, S. Dak. Applicant is authorized to conduct operations in Iowa and South Dakota.

HEARING: December 16, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 185.

No. MC 99780 (Sub No. 1), filed August 28, 1959. Applicant: LOUIS SEWARD ZANG, doing business as CHIPPER CARTAGE DRIVE, 1327 Northeast Bond Street, Peoria, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products and commodities used by packing-houses*, as described in Ex parte MC-45, 61 M.C.C. 209, *including commodities frozen or not frozen when transported in refrigerated vehicles*, from Peoria, Ill., to points in Illinois, those in Indiana on and north and west of a line extending from the Illinois-Indiana line, thence along U.S. Highway 36 to junction of U.S. Highway 231, thence on and west of U.S. Highway 231 to Crawfordsville, Ind., thence via Indiana Highway 43 to junction of U.S. Highway 421 at Reynolds, Ind., thence along U.S. Highway 421 to Lake Michigan, including Crawfordsville, Lafayette and Michigan City, Ind., and those in Iowa on and east of a line beginning at the Mississippi River, thence south on U.S. Highway 52 to junction Iowa Highway 3, thence west to Iowa Highway 13 to Cedar Rapids, including Cedar Rapids, thence via U.S. Highway 218 south to the Mississippi River, including Iowa City and Keokuk, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Illinois under the second proviso of section 206(a) (1).

HEARING: December 2, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 53.

No. MC 100983 (Sub No. 4), filed September 4, 1959. Applicant: HARLEY A. GROSECLOSE, Alderson, W. Va. Applicant's attorney: James A. Bibby, Jr., 504 Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry fertilizer*, in bulk and in bags, from Lynchburg, Alexandria, and Richmond, Va., and points within five (5) miles of each, and Baltimore, Md., and points within five (5) miles thereof, to points in Boone, Putnam, Cabell, Wayne, and Mingo Counties, W. Va.; (B) *Rough and raw lumber*, from points in Pocahontas, Summers, and Greenbrier Counties, W. Va., to points in North Carolina, Virginia, Tennessee, and West Virginia; and (C) *Building stone and flagstone*, from points in Greenbrier and Monroe Counties, W. Va., to points in Kentucky, Ohio, Tennessee, Virginia, North Carolina, and West Virginia. Applicant is authorized to conduct operations in Maryland, North Carolina, Virginia, and West Virginia.

HEARING: November 17, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Examiner Raymond V. Sar.

No. MC 101781 (Sub No. 2), filed June 23, 1959. Applicant: HAL S. GILBERT, doing business as GILBERT'S TOWING SERVICE, 2040 North Argyle, Portland, 17, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles and trailers*, except house trailers, between points in Oregon, on the one hand, and, on the other, points in Idaho

and California. Applicant is authorized to conduct operations in Idaho, California, Oregon, and Washington.

HEARING: December 4, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 351.

No. MC 103435 (Sub No. 86), filed July 2, 1959. Applicant: BUCKINGHAM TRANSPORT, INC., 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities including Class A and B explosives*, except those of unusual value and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, serving ballistic missiles testing and launching sites and supply points therefor within a 50 mile radius of Rapid City, S. Dak., as off-route points in connection with applicant's regular route operations to and from Rapid City, S. Dak. Applicant is authorized to conduct operations in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: December 15, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 183.

No. MC 104004 (Sub No. 141), filed July 27, 1959. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Abingdon, Va., and Cleveland, Ohio, from Abingdon over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 129 to junction West Virginia Turnpike, thence over West Virginia Turnpike to Charleston, W. Va., thence over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 21 to Cleveland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated. Applicant states it already has authority on this route to Cleveland, via Pittsburgh. This is a shorter alternate route. Applicant proposes to serve no new points at origin, destination or enroute.

HEARING: November 18, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 312, or, if the Joint Board waives its right to partici-

pate, before Examiner Raymond V. Sar.

No. MC 105269 (Sub No. 27), filed September 18, 1959. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Box 986, Kalamazoo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials and insulating materials*, from the site of the Johns Manville Corporation plant located at Greenwood and Sand Streets near Waukegan, Ill., to points in the lower peninsula of Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: December 9, 1959, in Room 352, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 106972 (Sub No. 2), filed September 15, 1959. Applicant: HAROLD L. CLARK, doing business as CLARK TRANSFER & STORAGE, 233 D NW., Auburn, Wash. Applicant's attorney: Kenneth F. Ingalls, 15 C Street, SE., Auburn, Wash. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Household goods* as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, (1) between Auburn, Wash., and Tacoma, Wash., from Auburn over Washington Highway 5 to Puyallup, Wash., thence over U.S. Highway 410 to Tacoma; (2) between Auburn, Wash., and Seattle, Wash., from Auburn over Washington Highway 5 to Renton, Wash., thence continue over Washington Highway 5 to Seattle; and (3) between Seattle, Wash., and Tacoma, Wash., over U.S. Highway 99, and return over the above three routes, serving all intermediate points, and the off-route points within an area bounded on the west by Puget Sound, on the north by the north city limits of Seattle, Wash., on the east by the western shore of Lake Washington and Washington Highway 5, and on the south by the south city limits of Puyallup, Wash., and U.S. Highway 410 and the city limits of Tacoma, Wash. Applicant is authorized to conduct irregular route operations in Washington.

NOTE: Any duplication with present authority to be eliminated. Applicant indicates that service to intermediate and off-route points apply to all three routes.

HEARING: December 18, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 108461 (Sub No. 83), filed October 2, 1959. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: David G. MacDonald, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular or irregular routes transporting: *Liquid or dry commodities*, except Class A and B explosives, in collapsible tanks or bins, or

the equivalent thereof, but not limited to those known as Sealtanks or Sealdbins, whether furnished by the shipper or shippers, or owned or leased by the applicant, over all routes, from and to all points and between all points, including all intermediate points and off-route points, authorized to be served by applicant in Certificate No. MC 103461 and subs thereunder, throughout its entire scope of operations in Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 109533 (Sub No. 12), filed October 5, 1959. Applicant: OVERNITE TRANSPORTATION COMPANY, a Virginia corporation, P.O. Box 1216, Richmond, Va. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealtanks and Sealdbins when transported in standard vehicles, over the routes and in the territory, including all intermediate and off-route points, authorized to be served by applicant, in the transportation of General Commodities, with certain exceptions, as authorized in Certificate No. MC 109533 and sub numbers thereunder, in the States of Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 110388 (Sub No. 19), filed October 5, 1959. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, a Nebraska corporation, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: John J. Burchell, 1416 Dodge Street, Omaha 2, Nebr. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value and household goods as defined by the Commission, between Cheyenne, Wyo., and intercontinental ballistics missile launching sites located in Wyoming and Colorado within 70 miles of Cheyenne, Wyo., as off-route points in connection with carrier's regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Idaho, Utah, Missouri, Kansas, Colorado, Iowa, Nevada, Oregon, Washington, and California.

NOTE: Applicant states that shipments transported shall be limited to those which are received from or delivered to a railroad under a through bill of lading covering, in addition to its movement by applicant, a prior or subsequent movement by rail.

HEARING: November 16, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 110988 (Sub No. 63), filed September 30, 1959. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation

Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: December 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 111103 (Sub No. 4), filed September 21, 1959. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, Land Title Building, Philadelphia 10, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo and New York, N.Y., Charlotte, N.C., Cleveland and Cincinnati, Ohio, Jacksonville, Fla., Memphis and Nashville, Tenn., Philadelphia and Pittsburgh, Pa., Richmond, Va., Washington, D.C., and Denver, Colo. *Bullion*, between New York, N.Y., Philadelphia, Pa., Fort Knox, Ky., and Denver, Colo. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia.

NOTE: Applicant states its request for authority is intended to add as points of origin two cities beyond those previously authorized applicant in MC 111102 (Sub No. 2), namely, Denver, Colo., and New York, N.Y.

HEARING: November 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 112035 (Sub No. 2), filed September 16, 1959. Applicant: J. C. THOMPSON and I. F. THOMPSON, doing business as J. C. THOMPSON & SON, 737 Number 2 Road, Vancouver, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *stable supplies and equipment* used in their care and exhibition, *mascots*, and the *personal effects of their attendants, trainers, and exhibitors*, between points in Washington, on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho. Applicant is authorized to conduct operations in California, Oregon, and Washington.

NOTE: Applicant states that the above transportation will be restricted to shipments from or to points in the Provinces of

Alberta, Manitoba, and Saskatchewan, Canada.

HEARING: December 14, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 169.

No. MC 112497 (Sub No. 149), filed September 28, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096 (Istrouma Branch), Baton Rouge, La. Applicant's attorneys: Wilmer B. Hill and Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic potash*, in bulk, in tank vehicles, from Anniston, Ala., to St. Louis, Mo.; and (2) *Lubricating oil* (lube oil), in bulk, in tank vehicles, from Saint Roase, La., to Charleston, S.C. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: November 16, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Harold P. Boss.

No. MC 112796 (Sub No. 3), filed July 9, 1959. Applicant: ELMER G. BRAKE, doing business as BRAKE & COMPANY, North Fourth and Baltimore Avenue, Clarksburg, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers*, and *glass*, from Washington, Pa., to points in Michigan and Illinois, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Michigan, and West Virginia.

HEARING: November 17, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Examiner Raymond V. Sar.

No. MC 113524 (Sub No. 19), filed September 28, 1959. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground or pulverized sand*, in bulk, in hopper-type vehicles, from Newport, N.J., and points within five (5) miles thereof, to Havre de Grace, Md. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

HEARING: November 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 114019 (Sub No. 31), filed September 21, 1959. Applicant: THE

EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272-273), (1) from Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, Virginia, and Washington, D.C.; and (2) from Fremont, Nebr., to points in New York and Pennsylvania; and *Exempt commodities*, from the above-specified destination points to the respective origin points.

NOTE: Applicant is authorized to conduct operations as a contract carrier in No. MC 9685 and Subs thereunder. A proceeding has been instituted under MC 9685 (Sub No. 58) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

HEARING: November 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 114045 (Sub No. 54) (CORRECTION) filed August 14, 1959, published issue of FEDERAL REGISTER September 23, 1959. Applicant: R. L. MOORE and JAMES T. MOORE, a Partnership, doing business as TRANS-COLD EXPRESS, Belt Line and Finley Road, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Previous publication indicated one of the origin points as Baltaburg, Pa., in error. Correctly spelled this origin point is Saltsburg, Pa.

HEARING: Remains as assigned October 26, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Francis A. Welch.

No. MC 114238 (Sub No. 3), filed October 5, 1959. Applicant: OHIO SOUTHERN EXPRESS, INC., 630 14th Street NW., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtanks and Sealdbins when transported in standard vehicles, over the routes and in the territory authorized to be served by applicant, in the transportation of General Commodities, with certain exceptions, as authorized in Certificate No. MC 114238 and sub numbers thereunder, in the States of Georgia, Ohio, Pennsylvania, and West Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 115651 (Sub No. 4), filed September 14, 1959. Applicant: KANEY TRANSPORTATION, INC., 1023 East Album Street, Freeport, Ill. Applicant's representative: George S. Mullins, 4704

West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Davenport and Bettendorf, Iowa, to points in Illinois except those points on and north and east of U.S. Highway 30 and those on and east of Illinois Highway 31, and *returned and rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Illinois, Massachusetts, Missouri, Nebraska, Minnesota, Iowa, Wisconsin, Kansas, New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, and Kentucky.

HEARING: December 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 54.

No. MC 115882 (Sub No. 1) filed September 17, 1959. Applicant: JOHN G. JOHNSON AND HARRY N. JOHNSON, doing business as JOHNSON BROS., 415 East Court Street, Cambridge, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage bins and component parts*, from Kansas City, Mo., to Woodhull, Ill., and to farms in Henry, Mercer, and Knox Counties, Ill., which are served by the Bergstrom Seed and Feed company of Woodhull, Ill. Applicant is authorized to conduct operations in Illinois and Iowa.

HEARING: December 9, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 195.

No. MC 116459 (Sub No. 16), filed September 17, 1959. Applicant: RUSS TRANSPORT, INC., P.O. Box 3292, Chattanooga, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, fats and blends* thereof, in bulk in tank vehicles, between points in Hamilton County, Tenn., on the one hand, and, on the other, points in Arkansas, Florida, Alabama, Michigan, and Kentucky. Applicant is authorized to conduct operations in Arkansas, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

HEARING: November 6, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Leo M. Pellerzi.

No. MC 117574 (Sub No. 48), filed August 24, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* which, because of size, weight, or bulk, require the use of special equipment or special handling, (2) *Agricultural implements, farm equipment, farm machinery, agricultural implements and machinery* as described in Appendix XII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292-294, (3) *Tractors, tractor attachments, self-propelled machinery or machines* (except truck

tractors and passenger automobiles), (4) *Road construction and/or road building machinery and equipment, road construction machinery and equipment* as described in Appendix VIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 286-287, (5) *Excavating, paving, moving, grading, building equipment and machinery*, (6) *Crushing, mixing, screening, conveying, loading, mining and drying machinery and equipment*, (7) *Trailers* (except those designed for use with passenger automobiles and highway trailers), *machinery, engines, compressors, generators, switches, and regulators*, (8) *Contractors equipment, construction equipment and material*, and (9) *Parts, Supplies and accessories* for items (1) through (8) above, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, the District of Columbia, Pennsylvania, West Virginia, North Carolina, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, and Kansas. Applicant is authorized to conduct operations throughout the United States.

PRE-HEARING CONFERENCE: November 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Assistant Director B. E. Stillwell presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 118038 (Sub No. 2), filed September 8, 1959. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue and Quince Street, Yakima, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cannery supplies*, including but not limited to *empty cans and lids, fiber cartons, paper boxes, labels, salt, sugar; and used and new cannery machinery and machinery parts*, between points in Yakima, Walla Walla, Skagit, Snobomish, Whatcom, Columbia, Cowlitz, Clark, King, Pierce,

Wash., on the one hand, and on the other, points in Multnomah, Hood River, Wasco, Umatilla, Marion, and Washington, Oregon.

HEARING: December 17, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 45.

No. MC 119039, filed July 2, 1959. Applicant: CARL WIESE, Luverne, Minn. Applicant's attorney: Mort B. Skewes, Luverne, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Ice cream mix*, in bulk, from Sioux Falls, S. Dak., to Luverne, Minn.; from Sioux Falls over U.S. Highway 16 to Luverne, serving no intermediate points.

NOTE: Applicant states the proposed transportation is for the account of Terrace Park Dairies, a South Dakota corporation.

HEARING: December 14, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26.

No. MC 119127, filed August 31, 1959. Applicant: JACK GRAY COMPANY, INC., 3200 Gibson Transfer Road, Hammond, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, cement and kindred building materials* usually and ordinarily handled in dump truck operations, from points in Lake, La Porte, Porter, St. Joseph, Elkhart, Newton, Jasper, Pulaski, Starke, Marshall, and Kosciusko Counties, Ind., to points in Lake, McHenry, Cook, Du Page, Kane, Kendall, Will, Kankakee, and Grundy Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: December 4, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 119146 (Sub No. 1), filed September 24, 1959. Applicant: WILLIAM A. MALOTT, 29 South Vermont Street, Williamsport, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage and trash*, from Falling Waters, W. Va., and points in West Virginia within 10 miles thereof to Williamsport, Md., and points in Maryland within 5 miles thereof.

HEARING: November 19, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 113, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 119163, filed August 19, 1959. Applicant: MARINE TRANSIT, INC., Life and Casualty Tower, Nashville, Tenn. Applicant's attorney: Harold Seligman, 26th Floor, Life and Casualty Tower, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* (not over 23 feet in length) loaded in special rack boat trailers, and *parts thereof* when accompanying the boats, (A) From points in Tennessee to points in the United States. (B) From New Orleans, La., to points in the United States. (C) From White

Pigeon, Mich., Oconto, Chetek, and Peshtigo, Wis., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. (D) From Peekskill, N.Y., and points within five (5) miles thereof, Cortland, and Penn Yan, N.Y., Morgan, N.J., and points within five (5) miles thereof, West Trenton, N.J., and Revell, Md., and points within five (5) miles thereof to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *refused and damaged boats*, on return.

NOTE: Service is proposed to the District of Columbia, but not to the State of Alaska.

HEARING: November 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Hugh M. Nicholson.

No. MC 119193, filed September 2, 1959. Applicant: SAMACK, INC., 1041 Southeast Brooklyn, Portland, Oreg. Applicant's attorney: Frank E. Day, 1200 Wilcox Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, cased, packaged, boxed, bottled, or sacked grocery items; building materials*, consisting of shingles and shakes, both wooden and fabricated, *roof insulation, nails, floor covering, tile and linoleum, and floor covering cement*, in cases, pails and drums, between points in Cowlitz County, Wash., points in Multnomah, Washington, Clackamas, Marion, Benton, Linn, Polk, Lane, Douglas, Hood River, and Wasco Counties, Oreg., and those in Shasta, Tehama, Glenn, Butte, Sutter, Yuba, Colusa, Nevada, Eldorado, Placer, Sacramento, Solano, Napa, Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, Alameda, Contra Costa, San Joaquin, Fresno, and Tulare Counties, Calif.

HEARING: December 9, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5.

No. MC 119221, filed September 18, 1959. Applicant: BURTON L. CROSBY, doing business as HEAVY DUTY WRECKER SERVICE, 131 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacement tractors*, for wrecked or disabled tractors, between points in Illinois on and north of U.S. Highway 30 and those in Wisconsin and the Upper Peninsula of Michigan.

HEARING: December 11, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 162.

No. MC 119224, filed September 21, 1959. Applicant: FLOYD W. HILL and

ROBERT J. HILL, doing business as LITTLE BEAVER AIR FREIGHT DELIVERY COMPANY, 3576 Lakeview Boulevard, Stow, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, between the Akron-Canton airport, Ohio and points in Ohio.

NOTE: Applicant states that the authority requested herein is restricted to shipments for Emery Air Freight Corporation, having a prior or subsequent movement by aircraft.

HEARING: December 1, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 119225, filed September 22, 1959. Applicant: BARRON TRUCKING COMPANY, INC., Route 69, Washington, N.J. Applicant's attorney: Michael J. Whelan, 40 Wall Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, and Wayne Counties, Pa., to points in New Jersey and those in New York, Kings, Bronx, Queens, Richmond, Nassau, and Suffolk Counties, N.Y.; (2) *Pig iron*, from New York, N.Y. (including Brooklyn), to points in Hudson, Essex, Bergen, Passaic, Middlesex, Union, Somerset, Morris, Mercer, Burlington, Camden, Gloucester, and Cumberland Counties, N.J., and those in Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, Somerset, Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, and Wayne Counties, Pa.; (3) *Sand and gravel*, from points in New Jersey to points in Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, Somerset, Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, and Wayne Counties, Pa.; (4) *fertilizer*, from Carteret, N.J., to points in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, Wayne, Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, and Somerset Counties, Pa.; (5) *coke*, from points in Essex County, N.J., to points in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, Wayne, Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, and Somerset Counties, Pa.; (6) *sand and gravel*, from points in New Jersey to points in Delaware and Maryland; (7) *sand and gravel*, from points in Maryland to points in Philadelphia County, Pa.; (8) *coke*, from points in Delaware to points in New Jersey and those in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, Wayne, Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, and Somerset Counties, Pa.; (9) *fertilizer*, from points in Maryland to points in New Jersey and those in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland, Wayne, Northampton, Lehigh, Monroe, Philadelphia, Bucks, Montgomery, Berks, and Somerset Counties, Pa.; (10) *scrap iron*, from points in Lackawanna, Luzerne, Schuylkill, Carbon, Northumberland,

and Wayne Counties, Pa., to points in New Jersey and those in New York, Kings, Bronx, Queens, Richmond, Nassau, and Suffolk Counties, N.Y.

HEARING: November 17, 1959, at the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy.

No. 119236, filed September 25, 1959. Applicant: ROBERT D. BRODERICK AND DAVID L. MARKEY, a Partnership, doing business as B & M MOBILE HOME TRANSPORT, 2600 Crestview Drive, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Houses and house trailers*, designed to be drawn by passenger automobiles, trucks or tractors, in secondary movements, between points in Pennsylvania, Ohio, Michigan, Wisconsin, Indiana, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine.

HEARING: November 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

MOTOR CARRIER OF PASSENGERS

No. MC 94109 (Sub No. 2), filed July 27, 1959. Applicant: MAIRS TRANSPORT LTD., 905 Edmonds Street, New Westminster, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, B.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from the International Boundary Line between the United States and Canada through ports of entry in Washington to points in Washington, and to Portland, Oreg., and return. Applicant states the restriction that service is to be restricted to round-trip tours beginning and ending in British Columbia, Canada. Applicant is authorized to conduct similar operations in Washington.

HEARING: December 16, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 45.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PROPERTY

No. MC 12718, filed September 25, 1959. Applicant: DISPATCHERS, INC., 410 Southeast Alder Street, Portland Oreg. For a license (BMC 4) to engage in operations as a *broker* at Portland, Oreg., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, and *frozen foods and building materials*, between points in Washington, Oregon, California, Idaho, Montana, Indiana, Illinois, and Texas.

HEARING: December 4, 1959, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172.

MOTOR CARRIER OF PASSENGERS

No. MC 12717, filed September 25, 1959. Applicant: MRS. ELSIE WENCKA, doing business as ST. JOSEPH'S BOOSTER'S CLUB, 2465 South Fifth Place, Milwaukee, Wis. Applicant's attorney: Jack J. Gimbel, 227-229 Commerce Building, Milwaukee 3, Wis. For a license (EMC 5) authorizing operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate of foreign commerce, by motor vehicle, of *Groups of passengers*, in round-trip charter operations, between Milwaukee, Wis., and Chicago, Ill.

NOTE: Applicant states that she organizes groups of approximately 300 to 350 individuals and charters a bus or buses to transport the passengers to Chicago and back to Milwaukee for the purpose of attending meetings and parties, which are charitable in nature.

HEARING: December 11, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 10872 (Sub No. 25), (REPUBLICAN), filed September 10, 1959, published FEDERAL REGISTER issue September 23, 1959. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo. Applicant's attorney: Charles M. M. Shepherd, 206 Brown Building, 101 South Meramec Avenue, Clayton (St. Louis 5), Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in truckload shipments, between Pharoah, Okla., and Calvin, Okla., from Pharoah over U.S. Highway 75 to Calvin, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Illinois, Missouri, Oklahoma, and Wisconsin.

NOTE: Previous publication indicated proposed operations would be conducted over irregular routes, in error.

No. MC 30073 (Sub No. 16), filed October 5, 1959. Applicant: JOHNSON FREIGHT LINES COMPANY, INC., 420 Sixth Avenue South, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between the junction of U.S. Highways 31E and

231 at Bransford, Tenn., and the junction of U.S. Highways 231 and 41 at Murfreesboro, Tenn., over U.S. Highway 231, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Tennessee, Georgia, Ohio, and Kentucky.

No. MC 30837 (Sub No. 266), filed September 28, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, from Louisville, Ky., and Indianapolis, Ind., to Cos Cob, Conn., and *empty racks, skids or pallets*, and *crates*, on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 52858 (Sub No. 74), filed August 11, 1958. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and busses* (as defined in Ex Parte No. MC-45), and *bodies therefor*, in initial and secondary movements in truckway and driveway service, *wheel-mounted machinery, including agricultural machinery, tractors, lift trucks, mobile homes, boats, and accessories, equipment and parts* which accompany the boats, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and on the other, points in Washington, Oregon, California, Idaho, Montana, Utah, Nevada, Wyoming, Colorado, New Mexico, Arizona, Minnesota, and North Dakota. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Montana, California, Nevada, Utah, Wyoming, Colorado, North Dakota, South Dakota, Arizona, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York.

No. MC 66562 (Sub No. 1563), filed September 29, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Toledo, Ohio, and Fort Wayne, Ind., from Toledo over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route, serving the intermediate point of Defiance, Ohio. Applicant is authorized to conduct operations throughout the United States. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub No. 1564), filed September 29, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service between Boston, Mass., and Norwood, Mass., from Boston over U.S. Highway 1 to junction Massachusetts Highway 1A, thence over Massachusetts Highway 1A to Norwood and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1565), filed September 30, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Augusta, Ga., and Monetta, S.C., from Augusta over U.S. Highway 25 to junction South Carolina Highway 23, at Edgefield, S.C., thence over South Carolina Highway 23 to Monetta, and return over the same route serving the intermediate point of Edgefield, S.C. **RESTRICTIONS:** (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or rail express service of applicant. (2) Shipments transported by applicant (except those moving solely between Augusta and Edgefield, S.C.) shall be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or rail express service of applicant. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1566), filed September 30, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Montgomery, Ala., and Brewton, Ala.,

from Montgomery, over U.S. Highway 31 to Brewton, and return over the same route, serving the intermediate point of Evergree and the off-route points of Fort Deposit, Greenville, and Georgiana, Ala. **RESTRICTION:** (1) The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of air or rail express service. (2) Interstate shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor-carrier movement by carrier, an immediately prior or an immediately subsequent movement by air or rail. (3) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to or supplemental of air or rail express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1568), filed October 5, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William R. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between New York, N.Y., and Haverstraw, N.Y., from New York City over New Jersey Highway 4 to junction New Jersey Highway 501, thence over New Jersey Highway 501 to Englewood, N.J., thence over New Jersey Highway 503 to junction New York Highway 303, thence over New York Highway 303 to junction U.S. Highway 9-W, thence over U.S. Highway 9-W to Haverstraw, and return over the same route, serving the intermediate points of Congers, Oranburg and Tappan, N.Y., and West Norwood, Closter, Haworth, Redgefield Park, and Englewood, N.J. Applicant is authorized to conduct operations throughout the United States.

NOTE: The proposed service is an extension and may be used in connection with applicant's authorized regular route operations in MC 66562 and Subs thereunder.

No. MC 66562 (Sub No. 1569), filed October 5, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between New York, N.Y., and Albany, N.Y. (1) from New York City over New York State Thruway to junction New York Highway 17-K, thence over New York Highway 17-K to Newburgh, N.Y., and thence over U.S. Highway 9-W to Albany, and return over the same route, (2) from New York City over New York State Thruway to junction New York Highway 28, thence over New York Highway 28 to Kingston, N.Y., and thence over U.S. Highway 9-W to Albany, and return over the same route, serving the intermediate points of Nyack, Newburgh, Highland, Kingston, Sauger-

ties, Catskill, Coxsackie, and Ravenna, N.Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 107002 (Sub No. 150), filed October 5, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream coating*, in bulk, in tank vehicles, from New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 113681 (Sub No. 19), filed October 2, 1959. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, fresh, except unleavened and frozen bakery products, from Port Chester, N.Y., to North Stonington, Conn., and *stale, rejected, damaged, refused and non-saleable shipments of the above-described commodities, and empty containers or other such incidental facilities* (not specified) on return. Applicant is authorized to conduct operations in Colorado, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 113681 (Sub No. 17).

No. MC 114019 (Sub No. 32), filed October 1, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used pallets and skids*, from points in Kentucky, Michigan, Missouri, Iowa, points in that part of Indiana north of a line extending from the Illinois-Indiana State line along U.S. Highway 24 through Effner, Monticello, and Peru, Ind., to Huntington, Ind., and thence along U.S. Highway 224 through Decatur, Ind., to the Indiana-Ohio State line, and points in that part of Ohio north and east of a line extending from the Indiana-Ohio State line along U.S. Highway 224 to Van Wert, Ohio, thence along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30N through Williamstown and Bucyrus, Ohio, to Mansfield, Ohio, thence along U.S. Highway 30 through Wooster, Ohio, to Massillon, Ohio, and thence

along U.S. Highway 21 through New Philadelphia, Cambridge, and Marietta, Ohio, to the Ohio-West Virginia State line, to Streator, and Alton, Ill.

NOTE: Applicant states it now holds authority (Permit No. MC 9685 Sub No. 8) to transport *glass containers, and covers, caps, and accessories for glass containers, and paper cartons*, from the origins of Streator and Alton, Ill., to the points and territories described as origins in this application. The purpose of the instant application is to secure authority to transport pallets and skids used in that transportation, upon return.

NOTE: Common control, and section 210, dual operations may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 9685 (Sub No. 58).

No. MC 119246, filed October 7, 1959. Applicant: DALE BOND, 231 Moore Avenue, Sikeston, Mo. Applicant's attorney: Dwight Crader, Sikeston, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, from Caruthersville, Mo., to Blytheville, Ark.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12719, filed September 28, 1959. Applicant: MARY P. LOSEE, doing business as MRS. W. E. LOSEE TOURS, 160 East Center Street, Provo, Utah. For a license (BMC 5) authorizing operations as a broker at Provo, Utah, in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip charter all-expense conducted tours and sightseeing trips, and all-expense package tours, beginning and ending at Provo, Utah County, Utah, and extending to points in the United States.

PETITIONS

No. MC 26895 (PETITION FOR CLARIFICATION OF CERTIFICATE), filed September 3, 1959. Petitioner: FRANCIS WOODROW CLARK, doing business as BALTIMORE-WASHINGTON EXPRESS CO., 1625 Ridgely Street, Baltimore, Md. Certificate MC 26895 authorizing the transportation of: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, "between Baltimore, Md., and Washington, D.C., from Baltimore over U.S. Highway 1, to Washington; and return over U.S. Highway 50 to Annapolis, Md., thence over Maryland Highway 178 to junction Maryland Highway 3, and thence over Maryland Highway 3 to Baltimore (also from Annapolis over Maryland Highway 2 to Baltimore). Service is authorized to and from all intermediate points and the following off-route points: Fort George G. Meade, Gambrills, Millersville, and Odenton, Md., and those in Washington, D.C., Commercial Zone",

was transferred to petitioner under date of March 25, 1941. The subject petition, dated September 3, 1959, seeks a clarification of the operations authorized and the reissuance of Certificate No. MC 26895, to permit the following transportation: "From Baltimore over U.S. Highway 1 to Washington, and return from Washington over U.S. Highway 1; and return over U.S. Highway 50 to Annapolis, Md., thence over Maryland Highway 178 to junction Maryland Highway 3, and thence over Maryland Highway 3 to Baltimore (also from Annapolis over Maryland Highway 2 to Baltimore). Service is authorized to and from all intermediate points and the following off-route points: Fort George G. Meade, Gambrills, Millersville, and Odenton, Md., and those in Washington, D.C., Commercial Zone." Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 39998 PETITION FOR RE-OPENING AND CORRECTION OF CERTIFICATE, dated September 23, 1959. Petitioner: SMITH & HOWELL FILM SERVICE, INC., Syracuse, N.Y. Petitioner's attorneys: Charles W. Singer and Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. By Certificate issued June 18, 1941, petitioner was authorized to transport *general commodities*, with the usual exceptions, between Syracuse, Rochester, Buffalo, Albany, and Watervliet, N.Y., on the one hand, and, on the other, all points and places in New York, but was issued authority to transport film and theater supplies only between Albany and New York, N.Y., on the one hand, and, on the other, points in defined areas of Massachusetts and Vermont. Petitioner states it was recently advised that the Commission in recent decisions had reversed the findings in *Film Transit Co., Common Carrier Application*, 7 M.C.C. 485, and now finds that the transportation of films and accessories between a distribution center and theaters within a state is in interstate commerce, *Ephraim Freightways, Inc. Common Carrier Application*, 78 M.C.C. 489. Petitioner requests the Commission to reopen proceeding No. MC 39998, and, upon reconsideration amend the certificate issued June 18, 1941, by adding thereto the following authority: *Films, and articles associated with the exhibition of motion pictures*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as modified in 61 M.C.C. 766, over irregular routes, between points in the State of New York. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 110478 (Sub No. 9) (PETITION FOR MODIFICATION OF INTERIM PERMIT), dated August 17, 1959. Petitioner: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio. Petitioner's attorney: Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio. Petitioner seeks

modification of the authority set forth in the order of March 12, 1959, and an Interim Permit be issued providing for the following service: *Clay products*, from Uhrichsville, Ohio, and points in Tuscarawas County, Ohio, within 5 miles of Uhrichsville, and Goshen, Midvale, Parral, Strasburg, Mogadore, Diamond, and Malvern, Ohio, to points in Vermont, New Hampshire, and Maine, and *empty containers, pallets, cardboard and lumber* used in packing or shipping clay products on return, over irregular routes, limited to transportation service to be performed under a contract or contracts with Robinson Clay Products Co., Akron, Ohio, Universal Sewer Pipe Corporation, Cleveland, Ohio, The Ross Clay Products Co., Uhrichsville, Ohio, Heat Transmission Conduit Co., Cleveland, Ohio, The Evans Brick Company, Uhrichsville, Ohio, and The Evans Pipe Company, Uhrichsville, Ohio. Petitioner represents that it is presently serving other shippers of clay products and that they have expressed a willingness to enter into a contract for and have expressed a need for service to the States of Vermont, New Hampshire, and Maine. Those shippers are (1) The Clay City Pipe Company, Uhrichsville, Ohio, (2) The H. K. Porter Company, Inc., McClain Firebrick Division, Pittsburgh, Pa., (3) Superior Clay Corporation, Uhrichsville, Ohio, (4) The Stillwater Clay Products Company, Cleveland, Ohio, and (5) The United States Concrete Pipe Company, Cleveland, Ohio. Petitioner requests the issuance of an order adding the above-named shippers to the Interim Permit. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the allowance of the additional shippers within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7338. Authority sought for purchase by JOHN BUNNING TRANSFER COMPANY, INC., Rialto Theater Building, Rock Springs, Wyo., of the operating rights of ESTHER GIBSON (an individual and sole heir-at-law of E. H. GIBSON), doing business as THE GIBSON TRUCKING CO., 3300 South High, Oklahoma City, Okla., and for acquisition by CHRISTIAN BUNNING, also of Rock Springs, of control of such rights through the purchase. Applicants' attorneys: Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be transferred: *Oil-field equipment and supplies*, as a *common carrier* over irregular routes, between points in Texas west of, but not including those on, U.S. Highway 81 and those in Kansas and Oklahoma.

Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Kansas, New Mexico, Montana, Idaho, Utah, North Dakota, Nebraska, and Nevada, and as a *broker* at Rock Springs, Wyo., covering the transportation of *household goods*, as defined by the Commission, between points in Colorado, Utah, and Wyoming, on the one hand, and, on the other, points in the United States. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7339. Authority sought for purchase by THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland 14, Ohio, of a portion of the operating rights of MID-CONTINENT FREIGHT LINES, INC., 206 Harrison Street, Oak Park, Ill., and for acquisition by THE CLEVELAND CARTAGE COMPANY and, in turn, JOHN C. DeVENNE, JOHN W. DeVENNE and W. S. DeVENNE, all of Cleveland, of control of such rights through the purchase. Applicants' attorney and representative, respectively: George N. Playac, 1277 East 40th Street, Cleveland 14, Ohio, and John W. DeVenne, President, The Western Express Company, 1277 East 40th Street, Cleveland 14, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Indianapolis, Ind., and Cleveland, Ohio, and between Indianapolis, Ind., and Chicago, Ill., serving certain intermediate and off-route points; alternate route for operating convenience only between junction U.S. Highways 30 and 41, near Dyer, Ind., and Columbus, Ohio, serving no intermediate points, but service is authorized at the junction of U.S. Highways 30 and 41 solely for the purpose of joining at that point such alternate route with carrier's regular route between Indianapolis, Ind., and Chicago, Ill.; *empty trucks*, between Dayton, Ohio, and Vandalia, Ohio, restricted to the movement of empty vehicles to be used in conducting operations otherwise authorized, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, New York, Pennsylvania, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7340. Authority sought for purchase by TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex., of a portion of the operating rights of MID-CONTINENT FREIGHT LINES, INC., 206 Harrison Street, Oak Park, Ill., and for acquisition by ROGERS CARTAGE COMPANY OF INDIANA, INC., and, in turn, WALTER MULLADY and JOHN B. O'CONNOR, JR., all of 1934 South Wentworth Avenue, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between San Antonio Tex., and Durant, Okla., between Roa-

noke, Tex., and San Antonio, Tex., between Tulsa, Okla., and St. Louis, Mo., between St. Louis, Mo., and Indianapolis, Ind., between St. Louis, Mo., and Aurora, Ind., between Durant, Okla., and Vinita, Okla., between Atoka, Okla., and Sapulpa, Okla., between Vinita, Okla., and Joplin, Mo., between Durant, Okla., and Hugo, Okla., between Oklahoma City, Okla., and McAlester, Okla., between Oklahoma City, Okla., and Muskogee, Okla., between Seminole, Okla., and junction Oklahoma Highway 3 and U.S. Highway 75, between junction U.S. Highway 50 and Indiana Highway 7 near North Vernon, Ind., and Madison, Ind., between junction U.S. Highway 50 and U.S. Highway 150, near Shoals, Ind., and Madison, Ind., between Loogootee, Ind., and Burns City, Ind., between Vincennes, Ind., and Evansville, Ind., between San Antonio, Tex., and Durant, Okla., as an alternate route for operating convenience only, between Joplin, Mo., and Springfield, Mo., between Burns City, Ind., and the site of the U.S. Ammunition Depot at Crane, Ind., and between Tulsa, Okla., and Muskogee, Okla., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in California, Arizona, Texas, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7341. Authority sought for control and merger by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., of the operating rights and property of SAN JUAN BASIN LINES, INC., 1623 Broadway NE., Albuquerque, N. Mex. Applicants' attorneys: Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Albuquerque, N. Mex., and Farmington, N. Mex., between San Ysidro, N. Mex., and Jemez Springs, N. Mex., between Farmington, N. Mex., and Cortez, Colo., between Cuba, N. Mex., and the junction of New Mexico Highway 96 and U.S. Highway 84, between the junction of New Mexico Highways 112 and 96 (near Regina, N. Mex.) and the junction of New Mexico Highway 112 and U.S. Highway 84, between Santa Fe, N. Mex., and Chamita, N. Mex. (San Juan Pueblo), between Chamita, N. Mex. (San Juan Pueblo) and La Madera, N. Mex., between Pojoaque, N. Mex., and Otowi, N. Mex., between Espanola, N. Mex., and Los Alamos, N. Mex., and between Ojo Caliente, N. Mex., and Antonito, Colo., serving certain intermediate and off-route points; alternate route for operating convenience only between Bloomfield, N. Mex., and Farmington, N. Mex.; *general commodities*, except livestock, and except petroleum products, in tank vehicles, Class A and B explosives, set-up automobiles, and sand, gravel, brick, and asphalt, in bulk, between Santa Fe, N. Mex., and Chama, N. Mex., and between Santa Fe, N. Mex., and Albuquerque, N. Mex., serving all intermediate points except that service is

authorized to and from those between Bernalillo, N. Mex., and Albuquerque, N. Mex., including Bernalillo, on south-bound traffic only; *compressed hydrogen gas*, in bulk, in shipper-owned or Government-owned tank vehicles, from Albuquerque, N. Mex., to the site of the Atomic Energy Commission's plant, at or near Los Alamos, N. Mex., serving no intermediate points; *Class A, B, and C explosives*, and ammunition not included in Class A, B, and C explosives and *empty containers* for such commodities, between Albuquerque, N. Mex., and Los Alamos, N. Mex., serving the intermediate point of Santa Fe. ILLINOIS-CALIFORNIA EXPRESS, INC., is authorized to operate as a *common carrier* in California, Wyoming, Colorado, Arizona, New Mexico, Illinois, Iowa, Nebraska, Kansas, Missouri, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7342. Authority sought for purchase by BEATTY MOTOR EXPRESS, INC. (DELAWARE CORPORATION), Jefferson Avenue Extension, Washington, Pa., of the operating rights and property of BEATTY MOTOR EXPRESS, INC. (PENNSYLVANIA CORPORATION), Jefferson Avenue Extension, P.O. Box 223, Washington, Pa., and for acquisition by ROBERT C. BEATTY, also of Washington, Pa., of control of such rights and property through the purchase. Applicants' attorney: William S. Yard, 200 Washington Trust Building, Washington, Pa. Operating rights sought to be transferred: *Sugar, canned goods, butter, package groceries, roofing materials, supplies, and equipment, petroleum products, glass products, supplies and equipment used or useful in the production and sale of glass products* (except bulk raw materials), *soap, soap powders, cleaning and washing compounds, glycerin, advertising material and premiums, cooking oil, toilet preparations, processed foods in containers other than frozen foods, groceries, lids, for glass containers, closers and rubber rings for glass containers, wooden and paper cases and labels, for use in connection with the sale and distribution of glass products, vegetable oil shortening, soda ash, in dump trucks, such merchandise as is dealt in by wholesalers, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such business, evaporated and powdered milk, in containers, paper cartons, tin cans, prepared food products and materials, equipment and supplies used in, or incidental to the preparation, packing and sale thereof, paper boxes, knocked down flat (other than corrugated) paper board, paper products, materials, supplies and equipment (except machinery) used or useful in the manufacture of paper products, corrugated fibre products, and sand, in dump trucks, as a contract carrier over irregular routes, from, to or between points and areas, varying with the commodity transported, in Pennsylvania, West Virginia, Ohio, Maryland, Kentucky, Indiana, New Jersey, Delaware, Illinois, New York, the District of Columbia, Virginia, and*

Michigan; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *coffee beans*, from New York, N.Y., to Pittsburgh, Pa. The operations authorized in Permits Nos. MC 78062 Sub 29 and MC 78062 Sub 37 are limited to a transportation service to be performed under a continuing contract, or contracts, with Procter and Gamble Distributing Company, Cincinnati, Ohio, and Continental Can Company, Inc., at Clarksburg, W. Va., and Washington, Pa., respectively. Vendee holds no authority from this Commission. However, its controlling stockholder, ROBERT C. BEATTY, controls vendor. In addition, ROBERT C. BEATTY, doing business as WASHINGTON MOTOR EXPRESS, Washington, Pa., is authorized to operate as a *contract carrier* in Pennsylvania, Ohio, Delaware, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: A proceeding (No. MC 78062 Sub 30) has been instituted under section 212(c) of the Interstate Commerce Act to determine whether vendor's status is that of a *common* or *contract carrier*.

No. MC-F 7343. Authority sought for purchase by WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., of the operating rights of OLMSTED TRUCKING CO. (ROBERT W. GARVER, JR., TRUSTEE), Camas, Wash., and for acquisition by WILLIS D. SHAW, Elm Springs, Ark., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Operating rights sought to be transferred: Those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *frozen fruits, frozen berries and frozen vegetables*, in straight and in mixed loads with certain exempt commodities, as a *common carrier*, over irregular routes, between points in Oregon, Washington, California, Idaho, Utah, Arkansas, Colorado, Oklahoma, Illinois, Tennessee, Michigan, Missouri, Iowa, Montana, Maryland, Wisconsin, and Indiana. Vendee is authorized to operate as a *common carrier* in Arkansas, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, and Washington. It has applied for authority under section 7 of the Transportation Act to continue transportation of *frozen fruits, vegetables and berries* in all of the above states except Nevada, plus the states of Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, Oklahoma, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7344. Authority sought for purchase by MOTOR LEASING NEW

YORK CORP., 720 Fourth Street, Water-vliet, N.Y., of the operating rights of HAYES TRUCKING, INC., 34 North Street, Albany, N.Y., and for acquisition by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland 20, Ohio, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be transferred: *Such commodities* as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes, between Albany, Menands, and Troy, N.Y., on the one hand, and, on the other, Middletown, Danbury, Manchester, Torrington, and Putnam, Conn., Newburyport, Great Barrington, Springfield, Agawam, Pittsfield, Worcester, Holyoke, Northampton, Southbridge, North Adams, Boston, and Cambridge, Mass., Dover and Portsmouth, N.H., Bennington, Vt., and Portland, Maine. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract*

carriers. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8639; Filed, Oct. 13, 1959;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35746: *Iron and steel articles—Illinois points to Corpus Christi, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7656), for interested carriers. Rates on iron and steel articles, carload from De Kalb and North Chicago, Ill., to Corpus Christi, Tex.

Grounds for relief: Market competition with other producing points to Corpus Christi, Tex.

Tariff: Supplement 68 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35747: *Substituted Service—C.G.W. Ry., for Mercury Freight Lines, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 191), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and St. Paul,

Minn., on traffic from or to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 111 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35748: *Substituted service—I.C.R.R. for Pacific Intermountain Express et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 192), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Council Bluffs, or Sioux City, Iowa, on traffic from or to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 111 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35749: *Substituted service—C. & N.W. Ry., for Moore Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 193), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between St. Paul, Minn., and Chicago, Ill., or Butler, Wis., on traffic from or to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 111 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8638; Filed, Oct. 13, 1959;
8:47 a.m.]

3 CFR

Page

Proclamations:

3160

7893

3225

7893

3285

7893

3315

7891

3316

7891

3317

7893

3318

7979

3319

8317

Executive Orders:

Sept. 1, 1887

8175

July 20, 1905

8175

July 21, 1905

8175

May 11, 1915

8175

May 17, 1921

8175

1579

8175

6883

8260

7908

8289

8509

8175

8531

8289

10046

8289

10784

8317

10791

7939

10839

7939

10840

7939

10841

7941

10842

8249

10843

8289

10844

8289

10845

8317

10846

8318

10847

8319

5 CFR

6

7942, 7979

24

7981, 8291

6 CFR

10

7894

50

8292

331

7942

421

8212

427

8249

475

8319

485

7987

7 CFR

52

8162

401

7894

729

8209, 8211

847

7942

871

8292

903

8087

905—908

8087

911—913

8087

916—919

8087

921

8087

922

8001, 8251

923—925

8087

928—932

8087

933

8002, 8003

935

8087

941—944

8087

946

8087

948—949

8087

951

8004

952

8087

953

8004, 8251

954

8087

955

8252

956

8087

958

8089, 8252

959

8004

965—968

8087

7 CFR—Continued

971—972

974—978

980

982

984

985—988

989

991

994—995

997

998

1000

1002

1004—1005

1008—1009

1011—1014

1015

1016

1018

1023

1104

1105

Proposed rules:

52

55

81

722

723

725

727

729

730

815

904

924

927

933

938

954

957

958

961

990

996

997

999

1005

1010

1012

1015

1019

1027

1070

9 CFR

54

Proposed rules:

92

12 CFR

563

13 CFR

120

121

14 CFR

40

41

42

375

507

514

600

Page

8087

8087

8087

8087

8324

8087

8253

8087

8087

8325

8087

8087

8087

8087

8087

8087

8162

8170

8112

7899

8114

7900

8237

8237

8237

8239

8239

8116

8116

8184

8299

8332

8186

7962

8332

8117

8116

8116

8300

8116

7963

8117

8300

8118

8116

7964

8301

8254

7900

7894

8325

7943

8089

8090, 8254

8090

8091

7981, 8092

7943

7895, 7896, 8092, 8093

14 CFR—Continued

Page

601

7895, 7896, 7982, 8092, 8093

608

7982

609

7944, 7983

610

7985

Proposed rules:

40

8302

41

8302

42

8302

507

8188, 8302

514

7965

600

7966, 8118, 8119, 8270

601

7966, 7967, 8118, 8119, 8270

602

7967

608

7967, 8271

15 CFR

371

8170

373

8170

374

8170

385

8170

399

8173

16 CFR

13

7897, 8201, 8203—8209, 8255, 8256, 8293, 8325, 8326

17 CFR

1

8141

Proposed rules:

257

8271

19 CFR

23

7949

Proposed rules:

14

8265

16

8265

21 CFR

9

8065

19

8226

121

8293

141c

8226

146c

8226

Proposed rules:

18

7964

120

8270

121

7965

22 CFR

42

8005

25 CFR

89

8298

163

8257

171

7949

172

7949

173

7949

174

7949

184

7949

217

8065

Proposed rules:

171

8333

174

8333

175

8333

176

8333

221

7901

26 (1954) CFR

1

8294

Proposed rules:

1

8177, 8231

29 CFR

406

7949

407

7951

782

8019

30 CFR*Proposed rules:*

250-----8080

31 CFR

316-----8019

332-----8045

32 CFR

1-----8213

2-----8218

3-----8218

5-----8220

6-----8220

7-----8221

8-----8223

9-----8224

13-----8224

14-----8225

15-----8225

536-----8257

582-----8298

595-----8143

606-----8143

808-----8145

823-----8225

861-----8145

1001-----8146

1051-----8146

1052-----8146

1053-----8147

1054-----8152

1055-----8157

1057-----8157

1058-----8157

1059-----8161

1080-----8162

32A CFR*NSA (Chapter XVIII):*

AGE-1-----7951

AGE-4-----7951

Page

33 CFR

207-----8226

210-----7952

36 CFR*Proposed rules:*

1-----7961, 8184

13-----7961

37 CFR

1-----7954

38 CFR

1-----8174

17-----8326

39 CFR

168-----8143, 8330

41 CFR

201-----8067

43 CFR

194-----8067

295-----7955

Proposed rules:

147-----8078

149-----8078

Public land orders:

1588-----7956

1927-----7958

1943-----7956

1979-----8299

1989-----8299

1993-----8299

1995-----7956

1996-----7956

1997-----7957

1998-----7957

1999-----7958

2000-----8006

2001-----8093

2002-----8175

2003-----8175

2004-----8176

Page

43 CFR—Continued

Page

Public land orders—Continued

2005-----8260

2006-----8260

2007-----8331

45 CFR

102-----8228

531-----8068

46 CFR

157-----7960

172-----7961

308-----8093

309-----8260

47 CFR

1-----8176

7-----8068

8-----8071

12-----7951

13-----8176

14-----8075

Proposed rules:

9-----8189

13-----8189

49 CFR

71-----8056

72-----8056

73-----8056

74-----8059

78-----8060

95-----8006

Proposed rules:

174a-----8006

50 CFR

6-----7959

17-----8177

31-----7897,

7898, 8075-8077, 8211, 8262-8264

32-----8077

34-----7959

35-----7899, 7960, 7981, 8177